

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

In re:)	
)	
UNITED STATES OF)	
AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	2:16-CR-00631DAK
AARON MICHAEL SHAMO,)	
)	
Defendant.)	
)	
-----)	

BEFORE THE HONORABLE DALE A. KIMBALL

August 14, 2019

JURY TRIAL

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Salt Lake City, Utah

August 14, 2019

(8:38 a.m.)

THE COURT: The jury is here. Are we ready to proceed?

MR. GADD: Yes, Your Honor.

THE COURT: All right. We'll get them. The witness may resume the stand assuming she is here.

MR. STEJSKAL: She is here, she is just in the other room.

(Jury returned.)

THE COURT: Good morning ladies and gentlemen of the jury. Thank you for being here. Thank you for being prompt. We appreciate your work.

You may proceed, Mr. Stejskal.

MR. STEJSKAL: Thank you, Your Honor.

(Whereupon, Ms. Alexandrya Tonge resumed the witness stand having been previously sworn.)

CONTINUED DIRECT EXAMINATION

BY MR. STEJSKAL:

Q. Ms. Tonge, we were talking yesterday a little bit about the financial arrangements and I believe you said your pay from Mr. Shamo increased over time; is that correct?

A. It is.

1 Q. And you said you were paid in cash but there were
2 also other methods with which you were paid?

3 A. Yes.

4 Q. And let's specifically refer to Venmo. Were you
08:42:38 5 ever paid by Venmo?

6 A. Yeah, on a couple of occasions.

7 Q. Tell me what Venmo is?

8 A. It is an electronic form of receiving money. So
9 you can send it from your bank account to someone
08:42:48 10 else's user name and they can transfer it to their
11 personal bank account.

12 Q. So instead of handing cash, it is some kind of
13 electronic transfer?

14 A. Correct.

08:42:57 15 Q. Okay. Let's pop up Exhibit 16.02. Can you see
16 that there in front of you?

17 A. Yes.

18 Q. And in the left hand column there do you see your
19 name in several places highlighted in blue?

08:43:14 20 A. Yes.

21 Q. And then there are payments in another column
22 that says debit. Do you see those?

23 A. Yes.

24 Q. And then in the column next to that there are
08:43:32 25 some comments do you see those, too, like halfway

1 down the page "obey my dog"?

2 A. Yeah.

3 Q. Can you tell us what that is about?

4 A. Just funny comments that he would add to the

08:43:46 5 message that he was sending with the money.

6 Q. So they're not really what it's about, it is just

7 kind of funny comments then?

8 A. Correct, yeah.

9 Q. What are those payments for?

08:43:55 10 A. Um, for either payment for just normal or
11 reimbursement for purchasing things at the post
12 office.

13 Q. And by payment "for normal", what do you mean by
14 that?

08:44:08 15 A. Um, what he would pay us to do, what we were
16 doing shipping out drugs.

17 Q. Okay. So basically wages for your work?

18 A. Yeah.

19 Q. And those \$500 amounts there in the middle in
08:44:21 20 September of 2015, is that kind of a normal payment
21 you would have received at that time for your work?

22 A. Yes.

23 Q. Let's go to the second page. There is a few more
24 down there, there is a 625, another 500, do you see
08:44:41 25 those?

1 A. Yeah.

2 Q. Again, are those consistent with payment for your
3 work?

4 A. Yes.

08:44:49 5 Q. Then there is some totals at the bottom. Do you
6 see next to your name there it says, total for you
7 5,950. Were you making that kind of money over the
8 course of this?

9 A. Yeah, it seems about right.

08:45:10 10 Q. You said some of this might have been
11 reimbursement for other things?

12 A. Yeah, purchasing postage, priority stamps at the
13 post office if we needed to do that.

14 Q. So sometimes you would do that with your own
08:45:22 15 money and get reimbursed?

16 A. Correct.

17 Q. By whom?

18 A. By Aaron.

19 Q. And how would you communicate with him to get
08:45:29 20 reimbursed?

21 A. Through telegram to let him know this is what we
22 spent so if you could send that.

23 Q. And would he always pay you back?

24 A. Yeah.

08:45:38 25 Q. Now, you're aware that there was cash seized from

1 your home on November 22nd of 2016?

2 A. Yes.

3 Q. Approximately \$19,000 or 19,500?

4 A. Yes.

08:45:55 5 Q. What was that cash from?

6 A. Payments from Aaron for doing what we were doing.

7 Q. So that money came in cash and sometimes you guys
8 just stored it away there at the house?

9 A. Yeah.

08:46:07 10 Q. If we can look at 11.00, photo 6. So that is in
11 your home?

12 A. Yes.

13 Q. In the bedroom?

14 A. Yeah.

08:46:25 15 Q. Is that Ms. Bustin's drawer or yours?

16 A. Ms. Bustin's.

17 Q. Okay. And then let me see, there were the --
18 let's look at 23, picture 23. Do you see the money
19 in the nightstand drawer there?

08:46:48 20 A. Yes.

21 Q. Okay. That was also in your home. And then
22 picture 24. And that is your side, your nightstand?

23 A. Yes.

24 Q. Okay. So that was just money you had around?

08:47:03 25 A. It wasn't deposited. We were just kind of

1 keeping it.

2 Q. You had spent some of the money that Mr. Shamo
3 paid you over the course of these events too,
4 correct?

08:47:14 5 A. Yes.

6 Q. So you made money off of this, your role in this
7 operation, correct?

8 A. Yes.

9 Q. Did you see pictures of or hear about the money
08:47:28 10 taken from Mr. Shamo's home?

11 A. Yes.

12 Q. And do you recall roughly how much that was?

13 A. Over a million in cash.

14 Q. Did you and Ms. Bustin have anywhere near that
08:47:37 15 amount?

16 A. No.

17 Q. How come you guys didn't have that much?

18 A. I wasn't even remotely aware of the amount this
19 was bringing in.

08:47:55 20 Q. Were you in charge of the money?

21 A. No.

22 Q. Did money come directly to you from customers?

23 A. No.

24 Q. Did Bitcoin come directly to you from customers?

08:48:05 25 A. No.

1 Q. Let's look at Exhibit 23.07. This is your
2 Statement in Advance of Plea of Guilty or essentially
3 your guilty plea. Do you recall that?

4 A. Yes.

08:48:32 5 Q. And did you, in fact, plead guilty to every
6 charge against you in this case?

7 A. I did.

8 Q. Did you go over that with your attorney?

9 A. I did.

08:48:43 10 Q. And did you enter that guilty plea with a full
11 understanding of what you were doing?

12 A. Yes.

13 Q. Was there any specific sentencing agreement that
14 you would get probation or you would get no jail or
08:48:56 15 you would get ten years or anything like that?

16 A. No.

17 Q. Did you agree to testify truthfully in any
18 hearing or case that came up in this matter?

19 A. Yes.

08:49:11 20 Q. Why did you decide to do that?

21 A. I knew what we were involved in was wrong and we
22 had made poor choices and I just wanted the
23 opportunity to own up to that.

24 Q. Okay. Do you also have hope that the judge will
08:49:32 25 consider this in determining what your punishment

1 will be from this?

2 A. Yeah.

3 Q. Have you testified truthfully?

4 A. Yes.

08:49:48 5 Q. It was also part of the agreement that you
6 wouldn't be charged with any death that resulted in
7 this case; is that correct?

8 A. Correct.

9 Q. Now, you knew nothing about that during your
08:49:59 10 participation, correct?

11 A. Correct.

12 Q. It's also true that you have no stake in the
13 outcome, correct?

14 A. Correct.

08:50:10 15 Q. Doesn't matter what happens as long as you tell
16 the truth?

17 A. Yes.

18 Q. You expect to get sentenced after this is over,
19 correct?

08:50:18 20 A. Yes.

21 Q. After this trial is over?

22 A. Yes.

23 Q. Did you have other consequences other than this
24 criminal charge because of your involvement in this
08:50:28 25 case?

1 A. Yeah, um, I lost my job.

2 Q. That was at eBay?

3 A. Yes.

4 Q. You were essentially fired?

08:50:37 5 A. Yup.

6 Q. Why did they say they did that?

7 A. Just our involvement in this case.

8 Q. Okay.

9 A. Um, I received a general under other than
08:50:48 10 honorable discharge from the military.

11 Q. And the military was important to you, correct?

12 A. (Witness crying) extremely.

13 Q. Very important to you. You served six years
14 honorably?

08:51:18 15 A. Yes.

16 Q. And you were also going to school to become a
17 helicopter pilot; is that correct?

18 A. Correct.

19 Q. That is gone as well?

08:51:27 20 A. Yes.

21 Q. So there have been consequences already from your
22 actions in this?

23 A. Yes.

24 Q. And you expect additional consequences from your
08:51:35 25 sentencing?

1 A. Yes.

2 Q. After reflecting on this and kind of
3 understanding the scope of all that was involved in
4 this organization, you have empathy for others who
08:51:48 5 may have been affected by this?

6 A. Yeah, absolutely.

7 Q. Tell us about that?

8 A. I wasn't, you know, fully aware of the alteration
9 of the drugs and what was being sent and sold as
08:52:04 10 something else. And when we found that out November
11 22nd when we were interviewed, and talking to
12 Homeland Security and the post office inspector, they
13 told us the severity of what was being used and I
14 felt badly.

08:52:36 15 Q. Let's talk about a couple more things. Let's
16 look at Exhibit 14.30. Here is the first page. Can
17 you tell us what that is?

18 A. Yeah. An order sheet. It looks like for Xanax
19 bars.

08:52:59 20 Q. Is this -- this is just one page but is this a
21 typical order sheet as they came to you?

22 A. Yes.

23 Q. From Mr. Shamo?

24 A. Yes.

08:53:08 25 Q. Let's look at Page 862. If you can look at that

1 bottom entry there what does that say?

2 A. It says "sale of Roxy or Oxycodone".

3 Q. And how many?

4 A. Ten.

08:53:29 5 Q. And in what strength?

6 A. 30 milligram.

7 Q. Were these always 30 milligrams?

8 A. Yeah, I think so.

9 Q. Okay. And what does that postage part mean?

08:53:39 10 A. They paid for priority mail.

11 Q. And what is the name at the bottom there?

12 A. Gregory Lee.

13 Q. If we can go to the very next page. There at the
14 top, that is a continuation of that address?

08:53:56 15 A. Yes.

16 Q. So did you and Ms. Bustin send a package to that
17 if you were fulfilling these orders?

18 A. Yes.

19 Q. And again, that date looked like June 6th of
08:54:07 20 2016?

21 A. Yeah.

22 Q. I'm going to hand you next what has been marked
23 or admitted as Government's Exhibit 11.05. Can you
24 tell us what that is?

08:54:35 25 A. Sheets of tracking information from packages that

1 were sent out and then a customer name notated next
2 to it to know what tracking was assigned to which
3 customer.

4 Q. While we're looking at that, can you pull up
08:54:52 5 11.00, Page 9, please. If you could highlight by the
6 glove there? On the screen is essentially the same
7 thing maybe not the same page, but the same thing
8 you're talking about there?

9 A. Yes.

08:55:11 10 Q. Again, what are those?

11 A. Tracking numbers from the postage that was used
12 for a package that was sent out and a customer name
13 notated in the exhibit.

14 Q. Explain that to us. It looks like stickers, the
08:55:26 15 black part?

16 A. Yeah. So it was a tracking number that could be
17 used with priority mail and you can pull one part of
18 the sticker off and put it on the package and then
19 one part is for your reference to reference the
08:55:37 20 tracking on that shipment.

21 Q. And then on the end of that it looks like
22 handwritten names?

23 A. Yeah. My handwriting, um, writing names of the
24 customers that that tracking number referenced.

08:55:50 25 Q. What was the purpose of keeping this information?

1 A. To know if there was an issue with a package that
2 was sent if it didn't arrive or it arrived.

3 Q. So if there was a problem somebody gave you a
4 name you could reference these sheets and figure out
08:56:04 5 the tracking number for that order?

6 A. Yes. Yup.

7 Q. Looking at 11.5 in front of you, there is a
8 column that is going up and down as it is facing you.
9 Can you see that?

08:56:12 10 A. Yes.

11 Q. What's the first name in that first column on
12 your left?

13 A. Gregory Lee.

14 Q. And is there a tracking label next to that?

08:56:21 15 A. There is.

16 Q. And what does that indicate to you?

17 A. That that package was shipped out.

18 Q. Thank you. And let's next look at Exhibit 18.01,
19 photo 8. Do you recognize that?

08:56:44 20 A. Yes.

21 Q. What is that?

22 A. That was the first stages of sending out packages
23 with a return address and a name that was random and
24 then a "to address" referencing the order that was
08:57:00 25 given to us to ship out.

1 Q. So in the upper left, that Erin Sandoval, that's
2 the return address?

3 A. Yes.

4 Q. That is just a name that you made up?

08:57:08 5 A. Yes.

6 Q. Or came up with in some way?

7 A. Yes.

8 Q. But the "to", that's the actual customer?

9 A. Yes.

08:57:15 10 Q. That the drugs were sent to?

11 A. Yes.

12 Q. Okay. Thank you. Let's try to understand your
13 role. Did you organize this operation?

14 A. No.

08:57:30 15 Q. Who did?

16 A. Um, Aaron and Drew.

17 Q. And after Drew left, who was kind of charge of
18 the organization?

19 A. Aaron.

08:57:38 20 Q. Did you recruit anyone to participate?

21 A. No.

22 Q. Did you manage anyone to supervise their
23 day-to-day activities?

24 A. No.

08:57:52 25 Q. Do you believe you knew everybody else that was

1 involved in this organization?

2 A. No.

3 Q. Why do you say that?

4 A. When I saw the -- all of the names listed or

08:58:03 5 read, you know, there was 20 people involved. I had
6 no idea.

7 Q. So your role was limited to exactly what you
8 explained, packaging and shipping the drugs?

9 A. Yes.

10 Q. And putting them in the boxes for a while and
11 then that got taken from you?

12 A. Correct.

13 Q. Based on all that you know, who was in charge of
14 this operation?

08:58:24 15 A. Aaron Shamo.

16 MR. STEJSKAL: Thank you. That's all of the
17 questions I have.

18 THE COURT: Thank you Mr. Stejskal. You may
19 cross-examine, Ms. Beckett.

08:58:32 20 **CROSS-EXAMINATION**

21 BY MS. BECKETT:

22 Q. Ms. Tonge, I believe it was your testimony that
23 you began your involvement with this organization in
24 2015; is that correct?

08:59:00 25 A. Correct.

1 Q. When in 2015?

2 A. Approximately April or March.

3 Q. And I believe it was also your testimony that you
4 approached Aaron Shamo and asked how you could be
08:59:16 5 involved, correct?

6 A. How I could make money from him whatever he was
7 doing, involved in.

8 Q. So your intention was to find a way to make some
9 easy money?

08:59:26 10 A. To make extra money, yeah.

11 Q. You were still working at the time, correct?

12 A. Correct.

13 Q. I believe at that point in time your testimony
14 was that you were living in Riverton?

08:59:34 15 A. Yes.

16 Q. With your girlfriend at the time Katie Bustin?

17 A. Bustin, yeah.

18 Q. And your mother?

19 A. Yes.

08:59:42 20 Q. Were you renting a home out there?

21 A. I was, yup.

22 Q. The three of you?

23 A. Yes.

24 Q. Any other adults in that home?

08:59:50 25 A. No.

1 Q. And at some point in I believe 2016 you moved
2 from Riverton to Daybreak; is that correct?

3 A. It was in 2015.

4 Q. End of 2015, middle of 2015?

09:00:04 5 A. June.

6 Q. June of 2015?

7 A. Yes.

8 Q. So not long after you started in this
9 organization you were able to move from Riverton to
09:00:10 10 Daybreak?

11 A. Correct.

12 Q. And you moved into a separate home from your
13 mother?

14 A. Rented a town home, yeah.

09:00:17 15 Q. And your mother had a town home or house she was
16 renting or purchased?

17 A. A townhouse that she purchased.

18 Q. I believe your testimony was that towards the end
19 of this organization you were making roughly 3,500
09:00:38 20 every two weeks between the two of you; correct?

21 A. Correct.

22 Q. With that money you also paid off your truck;
23 correct?

24 A. I did not.

09:00:50 25 Q. Your truck is not paid off?

1 A. It was not.

2 Q. Your truck is currently not paid off?

3 A. Um, the truck that I had at the time was a loan.

4 I sold that truck and I was given a truck from work

09:01:04 5 that I currently drive that is paid off but it was

6 not paid off by me.

7 Q. You had a car as well, correct?

8 A. Correct.

9 Q. You were paying on that during this time period

09:01:15 10 as well, correct?

11 A. Yes.

12 Q. So you and your girlfriend made enough money to

13 move into a town home at Daybreak and pay on two

14 vehicles during this time period, correct?

09:01:27 15 A. Yes.

16 Q. I believe it is also your testimony that your

17 initial contact after you approached Aaron Shamo was

18 Drew Crandall; is that correct?

19 A. We talked to him as well, yes, but never directly

09:01:43 20 to just Drew.

21 Q. Drew never came over to your home?

22 A. He did.

23 Q. So you did speak directly with Drew Crandall?

24 A. Correct, but he wasn't just someone that we were

09:01:54 25 only working with, we were working with both parties.

1 Q. Drew is the person who showed you how to package
2 these items for shipping, correct?

3 A. He did.

4 Q. He showed you how to operate the heat sealer?

09:02:06 5 A. He did.

6 Q. Came over to your home on a regular basis?

7 A. For about two weeks.

8 Q. Showed you how to find return addresses?

9 A. Drop a pin on a map, yup.

09:02:19 10 Q. Showed you how to find blue boxes or post office
11 boxes or post office places to drop these packages
12 off?

13 A. Just said find blue boxes in these areas.

14 Q. He instructed you on how to do that, correct?

09:02:34 15 A. Sure.

16 Q. I believe it was also your testimony that Drew is
17 the one who set up the "Pass the Peas" e-mail account
18 for you; is that correct?

19 A. Correct.

09:02:57 20 Q. Did you forfeit any assets?

21 A. The money in the home.

22 Q. So just the 1,900 --

23 A. 19,000.

24 Q. 19,500?

09:03:08 25 A. Yes.

1 Q. That's not all of the money you made during this
2 organization though, was it?

3 A. No, it was not.

4 Q. You made a significant amount of money, correct?

09:03:16 5 A. In comparison I would say no.

6 Q. I did not ask in comparison. You made a
7 significant amount of money, correct?

8 A. I made money, yes.

9 Q. You were still working during this time period,
09:03:28 10 correct?

11 A. Correct.

12 Q. You had a salary from your job plus all of this
13 roughly 3,500 every two weeks between you and
14 Ms. Bustin, correct?

09:03:36 15 A. 3,500 at the end, not throughout.

16 Q. You essentially managed your own schedule during
17 all of this though, correct?

18 A. Yes.

19 Q. And there were multiple times where you contacted
09:03:51 20 either Aaron or Drew Crandall and complained about
21 the amount of work you had to do, correct?

22 A. Correct.

23 Q. And when you needed any sort of assistance you
24 received the assistance you needed, correct?

09:04:05 25 A. Correct.

1 Q. At some point in time you decided you did not
2 want to be the party who was dropping off these
3 packages, correct?

4 A. Correct.

09:04:15 5 Q. And you essentially asked for somebody else to
6 come fulfill that role, correct?

7 A. Yes.

8 Q. That individual was Sean Gygi, correct?

9 A. Yes.

09:04:24 10 Q. And he became your point of contact and you would
11 let him know when to pick up packages, correct?

12 A. When we had finished processing we would just say
13 hey they're ready for you.

14 Q. And you would tell him to come get them?

09:04:34 15 A. We would just let him know that they were ready
16 so that he could come get them.

17 Q. And you would let him know where they needed to
18 be dropped off?

19 A. He would see the address from the label and he
09:04:42 20 would know which area it needed to be taken to.

21 Q. There was never a point in time when you told him
22 these may need to go to Lehi or these may need to go
23 to Sandy or some other area?

24 A. I may have referenced the city.

09:04:59 25 Q. I believe it was also your testimony that you

1 began in the military in 2013; is that correct?

2 A. Yes.

3 Q. And you were discharged in 2019, correct?

4 A. Correct.

09:05:10 5 Q. Your testimony was that you were -- were you
6 active duty during that time period?

7 A. National Guard.

8 Q. Just reserves?

9 A. Yes.

09:05:17 10 Q. So for almost the entirety of your military
11 career you were involved in this organization?

12 A. For two years of the six.

13 Q. When did you plead guilty in this case?

14 A. In June of 2018.

09:05:38 15 Q. You were going to school during this time period
16 too, correct?

17 A. Correct.

18 Q. You wanted to become a helicopter pilot?

19 A. Yes.

09:05:48 20 Q. I'm going to ask that question again. You wanted
21 to become a helicopter pilot, correct?

22 A. Yes.

23 Q. So in November of 2016 when you were stopped by
24 police officers or agents in this case, you had a lot
09:06:00 25 to lose, correct?

1 A. Yes.

2 Q. You had a girlfriend?

3 A. Yes.

4 Q. A career?

09:06:06 5 A. Yes.

6 Q. A family?

7 A. Yes, yup.

8 Q. A mother you wanted to take care of?

9 A. Yup.

09:06:13 10 Q. You were also trying to purchase a home?

11 A. Correct.

12 Q. When agents approached you, you told them

13 anything they needed to hear, correct?

14 A. I told them the truth.

09:06:37 15 Q. At the end of 2016 when you were approached by

16 agents, at that point in time was Drew Crandall

17 involved in the organization?

18 A. He was, yes.

19 Q. You had contact with him through e-mail and

09:06:50 20 telegram?

21 A. On occasion, yes.

22 Q. Are you familiar with Luke Paz?

23 A. I know the name, yes.

24 Q. Are you familiar with his role in this

09:07:06 25 organization?

1 A. Mostly.

2 Q. What is your understanding of Luke Paz's role in
3 this organization?

4 A. He pressed pills with Aaron.

09:07:14 5 Q. What kind of pills did Luke Paz press?

6 A. The oxycodone fentanyl pills.

7 Q. At some point in time did Aaron Shamo express
8 frustration to you about not having access to the
9 formula for the fentanyl pills?

09:07:29 10 A. He did.

11 Q. Who did he say had that formula?

12 A. Luke.

13 Q. Did he say that that formula -- without having
14 that formula he was unable to actually press the
09:07:37 15 pills himself?

16 A. Correct.

17 Q. And that he was frustrated that Luke held onto
18 that formula and kept it from him?

19 A. Yes, because he wanted to do that himself.

09:07:54 20 Q. I believe we looked at a couple of invoices on
21 some of these exhibits, do you remember those?

22 A. Yes.

23 Q. You created some of those invoices, correct?

24 A. I did.

09:08:04 25 Q. You had kind of free range on what those looked

1 like, correct?

2 A. Correct.

3 Q. I believe part of your testimony was that you and
4 Katie wanted to leave this organization and that
09:08:19 5 Aaron had offered you a down payment on a home to
6 keep you around. Is that your testimony?

7 A. Correct.

8 Q. Do you remember a time in 2000 -- it may have
9 been 2015 but possibly early 2016 when there was an
09:08:34 10 incident involving your dog?

11 A. Yes.

12 Q. Can you tell me what that was?

13 A. Um, yes. He had gotten into the room where we
14 kept all of the products and ingested an MDMA pill.

09:08:46 15 Q. Do you remember approaching Aaron and telling him
16 that you needed a home with a backyard so you could
17 continue to manufacture pills and not put your
18 animals at risk?

19 A. I don't remember that, no.

09:08:58 20 Q. Would it surprise you if a conversation like that
21 occurred?

22 A. I know we talked to him about the dog getting
23 hurt, but no, it wouldn't.

24 Q. Do you remember complaining to Aaron about the
09:09:10 25 number of orders you had to fulfill or Drew about the

1 number of orders you had to fulfill?

2 A. Yes.

3 Q. Do you remember suggesting to either Drew or
4 Aaron that potentially shipping in bulk was a better
09:09:24 5 idea for you, Katie, and the organization?

6 A. No.

7 Q. You also testified that you received money
8 through Venmo, not just cash, correct?

9 A. Correct.

09:09:38 10 Q. And that you also had your own Bitcoin wallet; is
11 that correct?

12 A. To purchase postage only, yes.

13 Q. But you knew how to use that Bitcoin wallet,
14 correct?

09:09:48 15 A. Yes, correct.

16 Q. There has been some testimony about Aaron leaving
17 or some individual leaving drugs or items in your
18 truck and that's where you would retrieve them from.
19 Does that sound correct to you?

09:10:08 20 A. Correct.

21 Q. Did Aaron ever have a key fob for your truck?

22 A. He had the pin code for the door.

23 Q. But not the key fob, correct?

24 A. Correct.

09:10:19 25 Q. Did that pin code make the lights in your truck

1 flash on and off when you enter the code?

2 A. I don't know if the lights flash.

3 Q. Like with a key fob, do you know what?

4 A. Yeah, I -- I don't recall but sure.

09:10:35 5 Q. Is it also consistent with your testimony that
6 you and Katie did actually use those gel caps to
7 manufacture MDMA pills for shipping, correct?

8 A. Correct.

9 Q. So you weren't just involved in shipping, you
09:10:48 10 actually manufactured those pills?

11 A. That's not manufacturing it's just putting the
12 powder that is already there in to a capsule. It is
13 not making them. It is -- I think it is different.
14 There is not a formula involved or any other
09:11:02 15 additions.

16 Q. Taking it from one form to another in order to
17 sell it en masse?

18 A. Sure.

19 Q. Is that correct?

09:11:10 20 A. I think it's a different terminology. There's
21 not a formula. It is taking one powder and putting
22 it into a capsule instead of adding different
23 ingredients.

24 Q. Ms. Tonge, I didn't ask you if there was a
09:11:27 25 formula involved, I asked if you took the product

1 from one form, put it into another, and then shipped
2 it out for sale?

3 A. Yes.

4 Q. Since you were stopped on November 22nd, 2016,
09:11:41 5 did you spend time in jail?

6 A. I did not.

7 Q. As a matter of fact, you got married since that
8 date, correct?

9 A. I did.

09:11:56 10 Q. After you pled guilty in this case, did you have
11 any other interviews with the government?

12 A. I have.

13 Q. How many interviews have you had?

14 A. One.

09:12:10 15 Q. I believe we looked at your Statement in Advance
16 of Plea?

17 A. Yes.

18 Q. Were you offered any incentive for cooperating
19 with the government?

09:12:22 20 A. Not at the beginning, no, I was not.

21 Q. When you entered that plea?

22 A. I was.

23 Q. You were offered both leniency for cooperating as
24 well as told that you would not be charged with a
09:12:36 25 death resulting count, correct?

1 A. Correct.

2 Q. If we can look at Exhibit 14.30. Do you have the
3 page number on that very large exhibit. Do you have
4 a page number down at the bottom of this exhibit?

09:13:03 5 That is an order you fulfilled, correct?

6 A. Correct.

7 Q. So an order you shipped, correct?

8 A. Correct.

9 Q. Are you aware that the government is alleging
09:13:11 10 that this shipment to Gregory Lee is the basis for
11 the death resulting count in this case?

12 A. I am.

13 Q. But you're not charged with that?

14 A. Correct.

09:13:23 15 Q. In fact, you agreed to plead guilty so that you
16 would not be charged with that, correct?

17 A. I pled guilty because I knew what I did was
18 wrong.

19 Q. And part of that agreement entailed you not being
09:13:33 20 charged with a death resulting count, correct?

21 A. Correct.

22 MS. BECKETT: Just one second, Your Honor.
23 Those are all of the questions I have. Thank you.

24 THE COURT: Thank you. Redirect,
09:13:56 25 Mr. Stejskal?

REDIRECT EXAMINATION

BY MR. STEJSKAL:

Q. Let me just clear up a couple of things just so we're all understanding here. You were asked how many other interviews you had with the government and I believe you answered one, correct?

A. Since the guilty plea, yeah.

Q. Since the guilty plea, that was the question, okay.

A. Yes.

Q. And that was in preparation for trial?

A. Correct.

Q. When you pled guilty, it was explained to you that the judge would consider all of your conduct in this whole matter, correct?

A. Correct.

Q. And that -- to your understanding did that include the fact that somebody died?

A. Yeah.

Q. You weren't specifically charged with that but that would be considered, correct?

A. Correct.

Q. When did your cooperation start with the United States law enforcement?

A. November 22nd when I was pulled over.

1 Q. Basically from the moment you were pulled over?

2 A. Yes.

3 Q. Describe that again your interaction with the
4 officer that pulled you over?

09:15:19 5 A. I just -- he knew -- he asked me if I knew why I
6 was being pulled over. He was in an unmarked vehicle
7 and he wasn't wearing a uniform and I told him what I
8 did. I requested that he not breakdown our door,
9 that I would let him in and show him anything that he
09:15:37 10 needed to see.

11 Q. And then you interviewed with some other agents
12 that same day?

13 A. I did.

14 Q. Did anybody promise you anything at that time?

09:15:46 15 A. No.

16 Q. You cooperated fully just based on what you said
17 that you wanted to cooperate?

18 A. Correct.

19 Q. One other clarification. I had asked you if you
09:15:58 20 recruited anyone. Are you familiar with a person by
21 the name of Elise Christensen?

22 A. I am.

23 Q. Who is that?

24 A. A friend from eBay.

09:16:08 25 Q. Maybe the term "recruited" wasn't the right

1 terminology, but did you speak with Ms. Christensen
2 about this or refer her to someone?

3 A. I did, yeah. To receive packages to get that
4 money to be a drop basically for Aaron.

09:16:26 5 Q. How did you assist in that relationship?

6 A. Um, just gave her the information and passed that
7 along to Aaron because he had needed another person
8 to kind of fulfill that spot.

9 Q. And did you have any negotiation with
09:16:42 10 Ms. Christensen about what she would be paid?

11 A. I did not.

12 Q. Or how to do it?

13 A. No.

14 Q. Who did that?

09:16:47 15 A. Aaron told me this is how much she could get from
16 doing that. So as soon as she gets a package she can
17 let me know or you can bring it to me for her.

18 Q. When you say "let me know", let you know or let
19 Mr. Shamo know?

09:17:03 20 A. Let Mr. Shamo know or let myself know.

21 MR. STEJSKAL: Thank you. That's all of the
22 questions.

23 THE COURT: Thank you. Any re-cross?

24 MS. BECKETT: Yes. Just briefly, Your
09:17:19 25 Honor. Your Honor, if I may approach.

1 THE COURT: You may.

2 **RECROSS-EXAMINATION**

3 BY MS. BECKETT:

4 Q. I have placed an exhibit next to you, I believe
09:17:42 5 it is 17.06. If I could have you look at that,
6 Ms. Tonge. On that chart, who are you familiar with?

7 A. Um, Noble, Shamo, Paz, Crandall, myself, Bustin,
8 Gygi, and Christensen.

9 Q. I believe it was your testimony just now that you
09:18:10 10 essentially referred Elise Christensen to Mr. Shamo;
11 is that correct?

12 A. Yes.

13 Q. And that if she received a package on Mr. Shamo's
14 behalf, she could let you know about that package?

09:18:21 15 A. Correct.

16 Q. And you would retrieve that package from her and
17 provide it to either Mr. Shamo or Mr. Crandall?

18 A. Provide it to Aaron, yeah.

19 Q. If we could go back to that 14.30 exhibit.
09:18:49 20 You're familiar with this exhibit, correct?

21 A. Correct.

22 Q. Those are essentially daily order sheets?

23 A. Correct.

24 Q. Was your testimony that you were not aware that
09:19:02 25 fentanyl was being used in these pills; is that

1 correct?

2 A. Fentanyl was being used in pills that were
3 marketed as something other than that, correct.

4 Q. But you were aware that there was fentanyl,
09:19:13 5 correct?

6 A. I saw on the pages. I was unaware of what it
7 was.

8 Q. You were unaware of what fentanyl was?

9 A. Correct.

09:19:25 10 Q. Until somebody in this case told you?

11 A. The severity of that, yes.

12 MS. BECKETT: That's all I have. Thank you.

13 THE COURT: Thank you. Anything else?

14 MR. STEJSKAL: No.

09:19:35 15 THE COURT: You may step down. Thank you
16 and you may be excused. The government may call its
17 next witness.

18 MR. STEJSKAL: The government will call
19 Katie Bustin.

09:20:03 20 THE COURT: Come forward and be sworn,
21 please.

22 THE CLERK: Please raise your right hand.

23 **KATHERINE LAUREN ANNE BUSTIN,**

24 called as a witness at the request of the Defendant,

09:20:11 25 having been first duly sworn, was examined

1 and testified as follows:

2 THE WITNESS: I do.

3 THE CLERK: Come around to the witness box
4 here (indicating). Please state your name and spell
09:20:37 5 it for the record.

6 THE WITNESS: It is Katherine Lauren Anne
7 Bustin, K-A-T-H-E-R-I-N-E L-A-U-R-E-N A-N-N-E
8 B-U-S-T-I-N.

9 THE COURT: You may proceed, Mr. Stejskal.

09:20:57 10 MR. STEJSKAL: Thank you, Your Honor.

11 **DIRECT EXAMINATION**

12 BY MR. STEJSKAL:

13 Q. Where do you work?

14 A. I work at Main Street Office Furniture.

09:21:04 15 Q. With Ms. Tonge?

16 A. Yes.

17 Q. What do you do there?

18 A. I am the designer and space planner.

19 Q. What kinds of customers do you guys have?

09:21:12 20 A. Mostly commercial businesses, offices trying to
21 get cubicals and their offices set up.

22 Q. How long have you worked there?

23 A. Um, a little over two years.

24 Q. Where did you previously work?

09:21:26 25 A. I worked at eBay.

1 Q. How long did you work there?

2 A. For a little over six years.

3 Q. So you started when?

4 A. Um, August 2011.

09:21:37 5 Q. And when did you quit working there?

6 A. Um, June 2017.

7 Q. And you were let go as a result of your
8 involvement in this case, correct?

9 A. Yes.

09:21:58 10 Q. Tell us about some of the people that you met at
11 eBay that were involved in this?

12 A. Um, I first met Aaron. I think we were on the
13 same team together and we had kind of become work
14 friends and his friend Drew would come over and
09:22:16 15 visit. So in proximity I would talk to him as well.

16 Q. Just at work or did you socialize outside of
17 work?

18 A. Just at work.

19 Q. At some point you became Facebook friends I
09:22:28 20 guess?

21 A. Yeah.

22 Q. But as far as going to pubs with those guys and
23 stuff?

24 A. No, it wasn't my scene really so --

09:22:36 25 Q. And so you struck up a casual work relationship

1 with Mr. Shamo and Mr. Crandall?

2 A. Yes.

3 Q. And was there something about that that turned
4 into this?

09:22:48 5 A. Yeah. Um, I had driving Drew home one night and
6 he had kind of told me a few things, not necessarily
7 any specifics, but I kind of had an idea of what they
8 were kind of doing. I also knew that Aaron was
9 planning on leaving eBay and I didn't know how he
09:23:10 10 could do that with not having a job and paying all of
11 the bills still.

12 Q. So did you end up meeting with Mr. Shamo and
13 Mr. Crandall about becoming involved?

14 A. Yes. I don't recall who approached who, but,
09:23:28 15 yes, we talked about it and Aaron had asked if we
16 wanted to be a drop is what he called it to receive
17 packages at our home address.

18 Q. And did you agree to do that?

19 A. Yes.

09:23:40 20 Q. And did you and Ms. Tonge receive several
21 packages that way?

22 A. Yes. We received, I think, four or five of them.

23 Q. And what did you do with those?

24 A. We weren't allowed to open them, we just brought
09:23:52 25 them straight to Aaron .

1 Q. And what were you paid for those?

2 A. Um, from what I recall we were paid about \$100 a
3 package. So sometimes we would get a few at a time.

4 Q. Paid in cash?

09:24:06 5 A. Yes.

6 Q. Did you eventually become involved in the
7 organization in a different way?

8 A. Yes. Over probably another five months or so,
9 um, again I don't recall who approached who, but
09:24:25 10 there was an opportunity to make a little bit more
11 money and do a few more things so they kind of
12 explained that to us, Aaron and Drew, and we kind of
13 got started from there.

14 Q. Okay. Before I forget, you talk about an Aaron
09:24:39 15 Shamo that you knew and were involved with in these
16 activities. Can you identify him for the jurors?

17 A. Yes. He is over here, far right.

18 Q. Describe him a little bit.

19 A. Um, I don't really have my glasses on so I can't
09:24:54 20 see him clearly, but he is wearing a black suit,
21 possibly a black tie.

22 THE COURT: I didn't hear what you said.

23 MR. SKORDAS: I was just going to say we'll
24 stipulate that she knows Aaron.

09:25:04 25 THE COURT: Thank you.

1 MR. STEJSKAL: Thank you.

2 Q. (By Mr. Stejskal) I'm sorry, what was the further
3 work then that you had agreed to do?

4 A. Originally it was to start shipping out some
09:25:19 5 product. Um, we still didn't know a whole lot at the
6 beginning, but we made an agreement that Drew would
7 come over and kind of show us the ropes of how to
8 ship things and how to get them sent out.

9 Q. And he did that and you guys watched?

09:25:35 10 A. Yes. He would come over -- I think he came over
11 maybe three or four times and helped us learn how to
12 package and make it safe to go through the mail.

13 Q. In addition to packaging, what else did he show
14 you about how to get the orders and that kind of
09:25:55 15 stuff?

16 A. Um, he worked with Alex on setting up an account
17 on the computer through the Dark Web. I didn't do
18 anything on the computer much so I didn't know a
19 whole lot about how they set that up, um, but that's
09:26:10 20 how he kind of explained how to do it.

21 Q. Okay. Let's talk about you then. So how did you
22 divide up the duties between you and Ms. Tonge at the
23 beginning there?

24 A. Um, the first time that Drew came over he just
09:26:22 25 kind of told us one person will package, the other

1 person will do orders, it is probably just easier
2 that way. So it just happened to be that I was doing
3 the sorting and Alex was doing the labels and
4 packaging.

09:26:37 5 Q. What do you mean by sorting?

6 A. I would look at the order sheets that Alex would
7 print out and I would sort and count the pills, put
8 them in packages, and I would hand them back to Alex
9 and she would seal them in the package and put
09:26:49 10 postage on it.

11 Q. And then at the beginning you guys were also
12 responsible for getting them in the postal system?

13 A. Yes. In the beginning we would drive them around
14 to random blue boxes and as well as dropping them off
09:27:02 15 in the bins at the post office.

16 Q. When you started, what size of packages were you
17 doing and kind of how many?

18 A. In the beginning it was pretty small. We were
19 doing maybe sets of 10 or 20 in a little package but
09:27:20 20 it got bigger from there. But originally it was only
21 a few at a time.

22 Q. And as far as how many packages at night would
23 you guys do?

24 A. In the beginning probably maybe 10 to 20 orders a
09:27:33 25 night.

1 Q. And did that progress as time went by?

2 A. Yes, yeah, very much.

3 Q. At some point did Mr. Crandall leave the country?

4 A. He did. I am not quite sure of the time frame
09:27:48 5 that he left, but I remember he wanted to travel
6 around with his girlfriend Sasha at the time and he
7 was going to get paid out from Aaron so he could go
8 travel.

9 Q. And did he in fact leave?

09:28:03 10 A. Yes.

11 Q. After Mr. Crandall left, who was your main
12 contact with as far as running your part of this
13 operation?

14 A. It was always Aaron that we communicated with
09:28:20 15 after Drew was gone.

16 Q. Before him would you communicate with both of
17 them when Drew was around?

18 A. Yes.

19 Q. And did the types of drugs you were shipping out
09:28:35 20 change after Drew left?

21 A. They did. Um, after he left, Aaron had started
22 or had a contact of some kind that wanted him to
23 start shipping out oxy or what I thought were oxy --
24 Oxycodone. And from that point, we mostly shipped
09:28:56 25 that and kind of left behind some of the other pills

1 that were originally being shipped.

2 Q. So those weren't as profitable or weren't --

3 A. Just weren't as popular, yeah.

4 Q. Did you have any contact with customers?

09:29:09 5 A. No. There were some messages on orders we got,
6 but we never reached out to any customer.

7 Q. Did you get any payment from customers?

8 A. No, it was always through Aaron.

9 Q. Did you have anything to do with the Dark Web?

09:29:23 10 A. No. Myself I did not.

11 Q. So if I understand what you're saying, orders
12 would come to you and you guys would fill them?

13 A. Yes.

14 Q. You described counting pills at the beginning
09:29:40 15 when there were 10 or 20 or whatever. Um, would you
16 physically hand count those one, two, three four and
17 put them in a package?

18 A. Yes.

19 Q. Did that eventually change?

09:29:49 20 A. Yes. Once the orders got bigger, um, Aaron would
21 provide us with scales and we could you know count
22 out ten and weigh how much that was and then just do
23 the math from there if it was a large order.

24 Q. And who told you how to do that?

09:30:06 25 A. Um, from what I recall, it was Aaron.

1 Q. And so describe that. There were some orders I
2 think I saw of 2,000 and 5,000. How would you
3 prepare those for packaging and delivery?

4 A. Um, at first I would try and do the math right,
09:30:26 5 um, and just weigh them out. But it was just so much
6 and it was taking up so much of our evenings that we
7 -- I would just kind of assume or guess how much
8 would be in a package and if it looked right just
9 send it.

09:30:45 10 Q. And you got some feedback sometimes or saw some
11 feedback that you were putting too many in?

12 A. Yes. Um, Aaron would reach out and let us know
13 that extras are fine for customers and it's nice to
14 do that, but sometimes people were saying they had
09:31:01 15 like 100 or more extras and that is just because I
16 wasn't counting them.

17 Q. And was Aaron upset about that?

18 A. Um, I don't know if I would say he was upset. He
19 seemed maybe annoyed just because that's his profit
09:31:20 20 and his pills that he has made. So I don't think he
21 was really ever upset about it, but I don't think he
22 was happy about it.

23 Q. He kind of told you to be more careful?

24 A. Yes.

09:31:33 25 Q. There seemed to be an abundance of pills. Did

1 you guys ever run short?

2 A. Um, from what I can recall, I don't think we did.

3 Um, Aaron would supply us with pills pretty regularly

4 so most of the time we didn't run out. If we did,

09:31:53 5 then he would reach out to the customers and let them

6 know it will be a day or two late.

7 Q. And we saw photos of the search warrant and there

8 were kind of pills on the floor and stuff and pills

9 in the vacuum cleaner. Do you recall that?

09:32:09 10 A. Yes.

11 Q. Were those accurate pictures? Was that kind of

12 how the house was at the time?

13 A. Yes. It was something that we didn't have

14 passion about, we didn't really care about it. So if

09:32:20 15 we dropped a pill or there was something on the

16 ground, we would just vacuum it up. We weren't

17 counting individual pills.

18 Q. So you weren't accountable to Mr. Shamo for each

19 and every pill?

09:32:30 20 A. Correct.

21 Q. There were so many that it didn't --

22 A. It was hard to keep track of anything that's why

23 he would reach out sometimes when we had large orders

24 but, um, or large extras on orders. But other than

09:32:43 25 that, he didn't count every pill so we didn't either.

1 Q. And was there -- were there sometimes re-ships?

2 A. Yes. Some people would say that maybe they got
3 the product and it was smashed so they couldn't take
4 them or that they just didn't get the package at all
09:33:01 5 so we would have to re-ship out to that address.

6 Q. Did you at times have concerns or reservations
7 about doing this and ask to get out of it?

8 A. Yes. Um, (witness crying) a few months before,
9 sorry, a few months before we were caught, I had just
09:33:56 10 a horrible feeling and I wanted to be done
11 completely, um, but was persuaded otherwise to just
12 keep going with it.

13 Q. Did you have conversations with Mr. Shamo about
14 that and what not?

09:34:17 15 A. Yes. Um, we had told him -- Alex and I had told
16 him that we were very uncomfortable, that we didn't
17 want to do it any more. I was paranoid from the
18 beginning. Um, I kept asking for less
19 responsibilities or less public places to go and --
09:34:39 20 but instead he -- Aaron would offer, you know, time
21 off, paid time off, or he offered to give us money to
22 buy a house. And that was something that we were
23 looking to do, so that was a huge incentive. We
24 wanted to, you know, build a life. So...

09:34:57 25 Q. And somewhere towards the end you had surgery on

1 your wrists?

2 A. I did, yes. I had a cyst on both of my wrists.
3 So the day that we were arrested I had just had a
4 surgery just a few days before that.

09:35:17 5 Q. During that time Ms. Tonge had to kind of do
6 things on her own?

7 A. Yes. She would do the orders and I couldn't
8 really do much. I couldn't move my wrists very much
9 so I wouldn't -- I didn't do them for the last
09:35:35 10 probably three weeks, I would say, up to the time we
11 were caught. So...

12 Q. And all that time you were feeling like you
13 wanted to quit?

14 A. Yes.

09:35:46 15 Q. November 22nd of 2016, you remember that day well
16 I assume?

17 A. Yes.

18 Q. What happened that day?

19 A. Um, that was the day that our house was raided.
09:36:00 20 Um, I was in bed and Alex luckily was able to let
21 them into the house rather than breaking in and they
22 came in and flipped our house and searched everything
23 and brought us in for questioning.

24 Q. And were you cooperative at that time?

09:36:19 25 A. Yes.

1 Q. How so?

2 A. Um, I just told the truth. As soon as they
3 brought us in I gave up everything I knew.

4 Q. Were you emotional at that time?

09:36:31 5 A. Yeah, very much.

6 Q. Did you have any agreement at that time about
7 what was going to happen to you?

8 A. No.

9 Q. But you told them any way?

09:36:43 10 A. Yes.

11 Q. How come?

12 A. I didn't want to be in this from the beginning so
13 I knew it was something that I just needed to clear
14 up and tell the truth and just get out of it
09:36:58 15 completely.

16 Q. Let's look at Exhibit 23.00. Do you recognize
17 that?

18 A. Yes.

19 Q. That is the front page of your guilty plea?

09:37:17 20 A. Yes.

21 Q. Did you in fact plead guilty in this matter?

22 A. I did.

23 Q. Did you plead to every charge that was charged
24 against you?

09:37:25 25 A. Yes.

1 Q. Did you have any specific sentencing agreement
2 about what is going to happen to you?

3 A. No.

4 Q. Did you also enter into a cooperation agreement?

09:37:37 5 A. Yes.

6 Q. And in that you agreed to tell the truth in any
7 further court proceeding against anyone else,
8 correct?

9 A. Yes.

09:37:45 10 Q. Have you done that?

11 A. Yes.

12 Q. Part of the agreement was that you would not be
13 charged with the death that resulted from this
14 organization; is that correct?

09:37:59 15 A. Correct.

16 Q. But you understood that the judge will consider
17 all of your conduct and everything that happened as a
18 result of this organization in determining what
19 happens to you, correct?

09:38:10 20 A. Yes.

21 Q. Do you have any stake in the outcome of this
22 proceeding?

23 A. No.

24 Q. All you were told is to tell the truth, correct?

09:38:23 25 A. Yes.

1 Q. Did you have any -- other than this criminal
2 charge any other consequences from your involvement
3 in this?

4 A. Um, aside from losing my job, no.

09:38:35 5 Q. Okay. You were fired from your job?

6 A. Yes.

7 Q. And probably some friends and family kind of had
8 some --

9 A. Luckily no family. My family has been very
09:38:45 10 supportive but I lost a lot of friends.

11 Q. Did you organize this operation?

12 A. No.

13 Q. Did you manage anyone, supervise their day-to-day
14 activities?

09:39:07 15 A. No.

16 Q. Did you know that others were involved?

17 A. Um, yes, just a few people, but yes.

18 Q. When you say just a few people, did you -- do you
19 think you knew everybody that was involved in this
09:39:21 20 organization?

21 A. No.

22 Q. Why do you say that?

23 A. Um, I just saw the sign. I didn't realize there
24 were that many people at all.

09:39:31 25 Q. Based on what you did and what you know, who was

1 in charge of this operation?

2 A. Aaron was.

3 Q. Why do you say that?

4 A. He was the one who did all of the communicating,
09:39:41 5 he made the financial decisions, he is the one who
6 started the account on the Dark Web, he created this
7 whole thing and taught others.

8 MR. STEJSKAL: Thank you. That's all of the
9 questions I have.

09:39:58 10 THE COURT: Thank you. Thank you
11 Mr. Stejskal. Mr. Skordas, you may cross-examine.

12 MR. SKORDAS: Thank you, Your Honor.

13 **CROSS-EXAMINATION**

14 BY MR. SKORDAS:

09:40:03 15 Q. Hi.

16 A. Hi.

17 Q. My name is Greg Skordas and I'm Aaron's attorney.
18 We haven't met before, have we?

19 A. I don't think so.

09:40:10 20 Q. Or spoken?

21 A. No.

22 Q. Um, you know Drew Crandall, correct?

23 A. Yes.

24 Q. Do you see his picture on there?

09:40:17 25 A. Yes.

1 Q. Kind of a give away but his name is underneath
2 it. Is that the fellow you know as Drew Crandall?

3 A. Yes.

09:40:28

4 Q. And I think your testimony was that you knew
5 Aaron and Drew through your employment there at eBay;
6 correct?

7 A. Correct.

09:40:43

8 Q. And that the introduction into this mess you got
9 yourself into was first from a drive home you had
10 with you and Drew, correct?

09:40:57

11 A. Partially. He didn't tell me a whole lot from
12 there. Um, he just had a lot of envelopes in his
13 backpack and I was curious and he was very vague in
14 what he said. But it later came to light from Aaron
15 of what more specifically what they were doing.

16 Q. And you were, of course, reluctant to get
17 involved in this, correct?

18 A. I was, yes.

09:41:13

19 Q. And although Alex is a dear friend of yours, she
20 sort of took the laboring on a lot of this; is that
21 fair?

09:41:29

22 A. Um, partially. Um, I would say that she is a
23 little bit more money driven, money stresses her out
24 a little bit more than it does me, but we both made
25 the decision. So...

1 Q. But, for example, the packages that were
2 delivered to your house were always in her name and
3 not yours; correct?

4 A. In the beginning, yes, the packages that Aaron
09:41:40 5 would have shipped to us were addressed to Alex.

6 Q. And that was your choice, right? You wanted to
7 keep your involvement as little as possible?

8 A. Correct. Alex and I talked about it, yes.

9 Q. And you were taken into custody or at least taken
09:42:00 10 to the South Jordan Police Department on November
11 22nd, correct?

12 A. Yes.

13 Q. And that's the first time that anyone in law
14 enforcement had addressed you about this whole thing;
09:42:12 15 correct?

16 A. Correct.

17 Q. You were interviewed separate from Alex?

18 A. Yes.

19 Q. And you were interviewed by a police officer or
09:42:20 20 two or three?

21 A. Correct, yes.

22 Q. And you described your involvement in this to the
23 best you could, correct?

24 A. Yes.

09:42:29 25 Q. You told them that you were receiving parcels

1 from all over the country, correct?

2 A. Yes.

3 Q. From Florida, from Taiwan, domestic and
4 international, I think is what you told the
09:42:42 5 investigators; is that fair?

6 A. Yes.

7 Q. And that was correct?

8 A. Uh-huh (affirmative).

9 Q. And that you would -- either you or Alex would
09:42:53 10 drive these parcels after you got them to the house,
11 correct?

12 A. To Aaron and Drew's house. Every once in a while
13 Aaron would come and pick them up from us if we were
14 busy.

09:43:06 15 Q. So when the government was talking to you, you
16 kept referring to it as Aaron's house. But you knew
17 it was Aaron and Drew's house, correct?

18 A. They lived together in the beginning, yes.

19 Q. And when you were delivering packages to them,
09:43:17 20 they were living together, correct?

21 A. Yes.

22 Q. And that you were paid 100 or 200 or something
23 per package when you would make those deliveries,
24 correct?

09:43:32 25 A. Correct, yes.

1 Q. But at some point you or -- you and Alex or maybe
2 Alex seized an opportunity to make more money; is
3 that fair?

4 A. Yes.

09:43:43 5 Q. Right or wrong that's what you decided to do,
6 correct?

7 A. Correct.

8 Q. And you decided to get involved in sort of the
9 shipping and packaging part of this?

09:43:53 10 A. Right.

11 Q. Correct?

12 A. Right.

13 Q. And Drew came to your house over the course of
14 several days and walked you through that process;
09:44:00 15 correct?

16 A. He did in the beginning, yes.

17 Q. He taught you how to do that?

18 A. Yes.

19 Q. He taught you how to get the labels and get the
09:44:09 20 packages and put things together, correct?

21 A. Originally we didn't have labels we were just
22 doing postage, actual stamps from the post office.
23 Later, the shipping labels was an idea of Aaron's
24 after Drew had left.

09:44:26 25 Q. I think what you told the police was that Drew

1 showed you and Alex how to package the pills properly
2 so product was not damaged during shipment; is that
3 fair?

4 A. Correct, yes.

09:44:36 5 Q. And that Drew directed you and Alex to put the
6 pills in mylar bags because they could not be x-rayed
7 and to include an invoice in each package; is that
8 correct?

9 A. Yes.

09:44:47 10 Q. When you told the officers that on November 22nd
11 you were trying to tell the truth, correct?

12 A. Yes.

13 Q. You were scared out of your wits, weren't you?

14 A. Yeah.

09:44:54 15 Q. You were -- you were anxious to curry a little
16 favor from law enforcement, isn't that a fair
17 statement?

18 A. I'm not sure if I would say a favor, but I was
19 just trying to come clean.

09:45:06 20 Q. You didn't go to jail that night, did you?

21 A. No.

22 Q. And you knew that the keys to that jail were
23 somewhat in your pocket by your cooperation?

24 A. I actually didn't know. I thought I was going to
09:45:20 25 jail. They didn't tell me if I was or was not.

1 Q. But you know today that had you told them that
2 night you didn't want to speak with them you would
3 have gone to jail?

4 A. I assumed so.

09:45:35 5 Q. Crandall also directed you how to sort of change
6 up the invoices once in a while, correct, so that
7 they would show different products?

8 A. Yeah. He mentioned in the beginning to switch up
9 the invoices so that way, you know, if it were ever
09:45:55 10 looked at it would be different than other product.

11 Q. And what you told officers, and I'm not trying to
12 put words in your mouth, I'm reading the report here,
13 so if I'm wrong correct me, was that Crandall worked
14 with you four or five times and then he continued to
09:46:10 15 teach you?

16 A. In the beginning he would teach us kind of things
17 about the post office. If I recall correctly, um,
18 his girlfriend worked for the post office and she
19 knew kind of what could be x-rayed or not x-rayed.
09:46:26 20 So he would originally teach us. After that, when he
21 left, we had to switch up a whole lot of stuff. But
22 in the beginning he did teach us.

23 Q. You keep talking about "in the beginning". Was
24 there a time when Drew got out of the picture?

09:46:39 25 A. Yes. He decided to travel with his girlfriend

1 Sasha. I don't know exactly the timeframe, but when
2 he left, Aaron basically took over everything that he
3 would have been doing with us and taught us
4 everything else from that point on.

09:46:57 5 Q. I want to show you an exhibit that has been
6 previously entered, it is 15.05, and have you go to
7 Page 5 of that. And can you make the top part pretty
8 -- do you see those names at the top?

9 A. Yes.

09:47:33 10 Q. And so if you look at the third line it says the
11 date?

12 A. Yes.

13 Q. What is the date that this was sent?

14 A. November 20th, 2016.

09:47:42 15 Q. And that is two days before you were arrested?

16 A. Yes.

17 Q. Or at least questioned, correct?

18 A. Yes.

19 Q. And who is "Shortbread 66"?

09:47:51 20 A. I don't know actually.

21 Q. You don't know who that is?

22 A. I don't. I didn't do any of the e-mailing or
23 anything online.

24 Q. Do you know who "Pass the Peas" is?

09:48:10 25 A. Um, that is the account that Aaron set up for us

1 to receive e-mails.

2 Q. That is you guys?

3 A. Yes.

4 Q. No matter who set it up, that is your account,
09:48:20 5 right?

6 A. Right.

7 Q. Who is "American Steam"?

8 A. I don't know.

9 Q. If I were to tell you that "Shortbread 66" is

09:48:28 10 Drew Crandall, and "American Steam" is Aaron Shamo,
11 would that surprise you or does that seem consistent
12 with your recollection today?

13 A. It seems consistent because when Drew was out of
14 the country, he, I assume, possibly ran out of money
09:48:44 15 and he wanted to get back in. So for a while it
16 looks like he was sending the pages to us.

17 Q. It looks like, and correct me if I'm wrong, but
18 he is sending you pages two days before the police
19 come to your house?

09:49:02 20 A. On this day, yes.

21 Q. Isn't this the type of message that you guys were
22 receiving fairly regularly during that time?

23 A. Um, I honestly don't recognize it because I never
24 did the e-mails.

09:49:18 25 Q. Was that Alex's duties?

1 A. Correct, yes.

2 Q. And you had a separate function in this?

3 A. Yes.

4 Q. Thank you. I think you told officers at the time
09:49:36 5 that Crandall, Drew Crandall, showed Alex how to
6 access the e-mail account, decrypt the order
7 fulfillment list, and print the information; is that
8 accurate?

9 A. Yes, correct, when he was training us in the
09:49:53 10 beginning.

11 Q. You told them that you don't -- you didn't have
12 knowledge of the Dark Web and that Drew taught you
13 that part of it, correct?

14 A. Um, from what I remember, I think that's
09:50:09 15 accurate. He didn't teach me any of it, so the only
16 thing that relates to that I don't know if Alex was
17 more taught by Drew or Aaron. I'm not quite sure.

18 Q. Did Aaron come to your house and show you how to
19 package things?

09:50:28 20 A. After -- I mean we saw both of them quite often.

21 Q. Both Aaron and Drew?

22 A. Yes.

23 Q. What period of time are you talking about?

24 A. This was before Drew left to travel. We would
09:50:45 25 see them both at their home together or if they ever

1 came to give us money. They were friends so they
2 were together quite a lot.

3 Q. And sorry I didn't mean to cut you off, actually
4 I did. I just wanted to ask you another question.

09:51:02 5 When was it that you recall that Drew left?

6 A. I really don't know if I remember. I can't
7 remember what time it was specifically.

8 Q. Do you remember telling officers on November 22nd
9 that Drew taught Alex to randomly pick a spot on the
09:51:29 10 map, list the address, and make up a name for the
11 return address?

12 A. Yes.

13 Q. And that Drew told her to keep it as random as
14 possible just so it is somewhere throughout the Salt
09:51:38 15 Lake valley?

16 A. Correct.

17 Q. Is that accurate?

18 A. Yes.

19 Q. You told the truth when you told them that?

09:51:43 20 A. Yes.

21 Q. How did you and Alex decide amongst yourselves
22 how the money was going to be divided up?

23 A. Um, when we ever got payment it was just an equal
24 split. Normally from the beginning talking to Drew
09:52:11 25 and Aaron, they both said, you know, we'll pay you

1 each this much. Any time there was an increase it
2 was always an equal increase so we always got paid
3 the same amount.

4 Q. When you started working with Drew and Aaron,
09:52:25 5 where did you live?

6 A. Um, we were considered --

7 Q. I don't need to know the exact address but what
8 city?

9 A. When we were drops we were in Riverton.

09:52:36 10 Q. Did you ultimately move?

11 A. Yes, we moved to Daybreak.

12 Q. Was that a nicer place?

13 A. Yes.

14 Q. Was that, in part, based on the fact that you had
09:52:43 15 an increased income?

16 A. Um, I don't know. I don't remember if it was
17 something that we could afford before that. We were
18 still drops at the time so we weren't making a whole
19 lot to make a difference.

09:53:00 20 Q. But when you became more than drops you could
21 afford a lot more, couldn't you?

22 A. Yes. Mostly bills and school, but yes.

23 Q. You were making about \$7,000 a month?

24 A. Um, that seems like a lot but I know it was
09:53:18 25 probably close to that.

1 Q. \$3,500 every other week, does that make more
2 sense?

3 A. I think so.

4 Q. Was that always in cash?

09:53:28 5 A. Yes.

6 Q. Just sort of showed up in -- whose truck was it
7 with the key fob, yours or Alex's?

8 A. It was Alex's truck.

9 Q. And the money would show up in the truck?

09:53:39 10 A. Yes. Or we would meet up or Aaron would come
11 over to our house and give it to us.

12 Q. Could we look at 23.00, please. Ms. Bustin, I am
13 going to show you something that you have already
14 looked at and this is your Plea Agreement. Do you
09:53:56 15 see that?

16 A. Yes.

17 Q. It is dated or at least it is stamped by this
18 court on June 7th of 2018, correct?

19 A. Correct.

09:54:05 20 Q. Is that the day you pled guilty?

21 A. Um, I would assume so.

22 Q. So 14 months ago?

23 A. I honestly can't remember. I'm not great with
24 dates, but it sounds that it could be right.

09:54:22 25 Q. And in 14 months you haven't been sentenced?

1 A. Correct.

2 Q. You haven't been back to this court to decide
3 what your punishment will be, correct?

4 A. Correct.

09:54:30 5 Q. And that's because that decision is in large part
6 based on your participation today, correct?

7 A. Um, I don't know that it's based off of that or
8 just we're just here. If I had no promises or
9 anything I would still be here. So I don't know if

09:54:56 10 -- I don't think anything would be different.

11 Q. Well, you haven't been sentenced yet?

12 A. Correct.

13 Q. You don't know what your punishment is going to
14 be, correct?

09:55:04 15 A. Correct.

16 Q. You're hoping that the punishment will be as less
17 as possible, correct?

18 A. I would hope so.

19 Q. And part of that expectation is based on your
09:55:14 20 testimony today, correct?

21 A. I guess yeah I would say yes.

22 Q. There is no reason, is there, ma'am, to put the
23 sentencing over for over 14 months, is there, except
24 for you to come in here and testify against Aaron
09:55:29 25 Shamo?

1 A. That makes sense, yes.

2 Q. Well, according to this plea agreement, if you

3 look at the top there, it says you're pleading

4 guilty, and I'm looking at Paragraph 1, make it

09:55:49 5 bigger, please, that you're pleading guilty to Counts

6 2, 3, 8, 12, and 13 of the Superseding Indictment,

7 correct?

8 A. Yes.

9 Q. So you pled guilty to five counts?

09:56:01 10 A. Yes.

11 Q. Out of the 13. And you weren't charged with all

12 of the 13 but you pled to these five, correct?

13 A. Correct.

14 Q. And so Count 1, for example, we can see sort of

09:56:13 15 at the bottom there is conspiracy to distribute

16 fentanyl, do you see that?

17 A. Yes.

18 Q. And, in fact, you did conspire to distribute

19 fentanyl, correct?

09:56:22 20 A. Yes.

21 Q. You were packaging fentanyl and sending it out,

22 correct?

23 A. Of what we thought was Oxycodone, but yes.

24 Q. But some of the shipping labels actually

09:56:33 25 identified this as fentanyl, didn't they, or did you

1 not see those?

2 A. I think there were some on the order pages, um, I
3 don't know much about medication of any kind so I
4 assumed they were just the same thing.

09:56:45 5 Q. So you at least had some written information sent
6 to you that you were distributing fentanyl, correct?

7 A. Yes.

8 Q. Can we go to the later counts, please. I
9 appreciate it, Yvette. So it looks like the next
09:57:05 10 count you pled to is conspiracy to distribute
11 Alprazolam. Did you know you were distributing
12 Alprazolam?

13 A. Yes.

14 Q. And then possession of fentanyl with intent to
09:57:19 15 distribute. Do you see that?

16 A. Yes.

17 Q. And then let's look at the next -- use of the
18 U.S. Mail in furtherance of a drug trafficking
19 offense. Do you see that?

09:57:31 20 A. Yes.

21 Q. And finally conspiracy to commit money
22 laundering?

23 A. Correct, yes.

24 Q. Those are the counts you pled to?

09:57:37 25 A. Yes.

1 Q. Can we look at the -- is there an addendum on
2 this. Can we look at the addendum please, that is
3 the last page or two. There we go. Do you see this?

4 A. Yes.

09:57:52 5 Q. This is -- let's go back one page, I'm sorry, two
6 pages. Do you see the signature there?

7 A. Yes.

8 Q. That's your signature, correct?

9 A. Correct.

09:58:03 10 Q. And that signature, because you weren't sure of
11 the date earlier is June 7th of 2018. Does that
12 refresh your recollection?

13 A. Yes.

14 Q. So that is when you signed this?

09:58:13 15 A. Yes.

16 Q. It looks like you had an attorney there that day?

17 A. Correct.

18 Q. You probably signed it in this very building,
19 didn't you?

09:58:20 20 A. Yes.

21 Q. Maybe not this particular court but in front of a
22 judge?

23 A. Yes.

24 Q. And said guilty and you read this over and what
09:58:26 25 not?

1 A. Uh-huh.

2 Q. Yes?

3 A. Yes.

4 Q. Can't do uh-huh, it makes her crazy. The

09:58:35 5 addendum, the next couple of pages, indicates that

6 you're to testify completely and truthfully and if

7 you do you're not going to be charged with other

8 offenses. Do you understand that?

9 A. Yes.

09:58:48 10 Q. And that is significant to you, isn't it?

11 A. Yes.

12 Q. It is significant because those other offenses

13 could carry additional penalties?

14 A. Correct.

09:58:56 15 Q. Significant additional penalties, correct?

16 A. Yes.

17 Q. You talked to your attorney about that?

18 A. Yes.

19 Q. And I won't ask you what he told you, but you

09:59:04 20 understand that some of the other charges were much

21 more serious?

22 A. Yes.

23 Q. And it's only smart on your part and your

24 attorney's to avoid those, correct?

09:59:15 25 A. Yes.

1 Q. I mean you're hoping you don't do any prison at
2 all I assume?

3 A. I hope so, yes.

09:59:28

4 Q. And I think you answered this but let me ask you
5 again. Since November 22nd of 2016, how much time
6 have you done in custody?

7 A. Zero.

8 MR. SKORDAS: That's all I have, Your Honor.

9 THE COURT: Redirect, Mr. Stejskal?

09:59:43

10 MR. STEJSKAL: No, Your Honor.

11 THE COURT: Thank you. Since there is no
12 redirect, there will be no re-cross. You may step
13 down and you may be excused and we'll take our first
14 break. Try to get back in in about 15 minutes.

09:59:56

15 THE CLERK: All rise, please.

16 (Jury left the courtroom.)

17 THE COURT: We'll be in recess. Thank you.

18 (Recess.)

10:19:25

19 THE COURT: We'll get the jury in and
20 proceed. You have your next witness, I assume?

21 MR. BURGGRAAF: Yes.

22 THE COURT: You can be --

23 THE CLERK: All rise.

24 (Whereupon, the jury returned to
10:21:01 25 the courtroom.)

1 THE COURT: The Government may call its next
2 witness.

3 MR. BURGGRAAF: The United States would call
4 Special Agent Eric Breyer.

10:21:10 5 THE COURT: Come forward and be sworn,
6 please. Right there is good.

7 THE CLERK: Please raise your right hand.

8 **ERIC BREYER,**

9 called as a witness at the request of the Plaintiff,
10:21:13 10 having been first duly sworn, was examined

11 and testified as follows:

12 THE WITNESS: I do.

13 THE CLERK: Please come around to the
14 witness stand.

10:21:35 15 Please state your name and spell it for the
16 record.

17 THE WITNESS: Eric Breyer, E-R-I-C
18 B-R-E-Y-E-R.

19 THE COURT: You may proceed, Mr. Burggraaf.

10:21:46 20 MR. BURGGRAAF: Thank you.

21 **DIRECT EXAMINATION**

22 BY MR. BURGGRAAF:

23 Q. Thank you for being here this morning. What is
24 your current occupation?

10:21:49 25 A. I am a Special Agent with the Drug Enforcement

1 Administration.

2 Q. How long have you been with the Drug Enforcement
3 Administration?

4 A. For 20 years.

10:21:56 5 Q. And while working there, what have been your job
6 responsibilities?

7 A. Since assigned to the Salt Lake City office, I
8 have worked drug investigations, dismantling criminal
9 organizations, and also focusing a majority of my
10:22:09 10 time on clandestine laboratory investigations.

11 Q. What do you mean by clandestine lab
12 investigations?

13 A. Primarily it involves the production or packaging
14 or redistribution of drugs such as methamphetamine,
10:22:26 15 pill pressing tableting operations, things of that
16 nature.

17 Q. And what education, training and experience do
18 you have that helps you to fulfill your job
19 responsibilities?

10:22:35 20 A. All agents go through the basic academy at
21 Quantico, Virginia, and then -- that is a 16-week
22 process, um, and then for advanced training, we
23 return to Quantico for clandestine laboratory
24 investigator's training which is another 40-hour week
10:22:50 25 of work. We also do site safety which helps you

1 manage and run these hazardous material sites. There
2 is also a tactical operations in hazardous
3 environments as well.

4 Q. Do you have any special assignments or
10:23:05 5 designations with the Drug Enforcement
6 Administration?

7 A. I'm currently assigned as the clandestine
8 laboratory program coordinator for the Denver Field
9 Division.

10:23:14 10 Q. And how long have you had that assignment?

11 A. Two years.

12 Q. What's the overall goal of drug investigations
13 conducted by the DEA?

14 A. To identify and dismantle drug organizations.

10:23:27 15 Q. And based on your training and experience, are
16 all drug trafficking organizations structured,
17 organized, in the same way?

18 A. No, sir, they have variations.

19 Q. Okay. What did you do to prepare for your
10:23:40 20 testimony today?

21 A. Reviewed photographs and reports from the
22 operation.

23 Q. Okay. And we're going to speak a little bit
24 about the HEAT team. Can you tell me what the HEAT
10:23:51 25 team is?

1 A. That is a local group called the Hazardous
2 Environment Action Team. Our primary goal is to
3 assist with dismantling, entering and processing
4 hazardous material drug sites related to production,
10:24:08 5 packaging, and anything where we might have to wear
6 protective equipment while handling all of the items.

7 Q. So what is your role with the HEAT team?

8 A. The team leader.

9 Q. And how long have you had that role?

10:24:19 10 A. Um, since the inception of the team in 2016.

11 Q. And do you provide training to other HEAT team
12 members?

13 A. Yes, sir.

14 Q. How often do you do that?

10:24:29 15 A. We try to get some form of training relevant to
16 the operations once a quarter, so three to four times
17 a year, hopefully.

18 Q. What is required of the HEAT team members in
19 order to begin and be assigned to the HEAT team?

10:24:43 20 A. All of them have to have gone through the basic
21 clan lab investigator's course at Quantico, Virginia.
22 Again, the 40-hour class. It is also preferred that
23 they attend the site safety operation so they
24 understand the larger scheme. We also have the
10:24:59 25 additional with tactical operations and there is also

1 an advance school called Level A Operations in
2 California that is a three-day class for high hazard
3 environments.

4 Q. Why, it may be intuitive, but why is so much
10:25:17 5 training required before or to participate on the
6 HEAT team?

7 A. The regulations that govern wearing protective
8 equipment, respirators, self-contained breathing
9 apparatus and chemical suits are all governed by OSHA
10:25:33 10 and DEA has adopted though. So therefore before we
11 can allow anyone to start wearing all this equipment,
12 they have to attend this advanced training to get
13 them certified to do so.

14 Frequently, the environments that we can
10:25:44 15 move into have high amounts of flammable solvents,
16 toxic vapors, troublesome powders that require
17 wearing protective equipment. Therefore, the agents
18 and officers have to have attended that training.

19 Q. I want to jump to this case. How did you become
10:26:02 20 involved in the investigation of Aaron Shamo?

21 A. As the team leader for the HEAT, I was asked to
22 assist with the tactical operation for the search
23 warrant on Titian Way. And if we were to find any
24 hazardous material, the subsequent processing of that
10:26:18 25 scene.

1 Q. Do you know why the HEAT team was expected to be
2 a part of the search at Titian Way?

3 A. As I understand it, the operation was suspected
4 to include -- well it was known to include
10:26:31 5 counterfeit tablets that may include fentanyl which
6 is a hazardous material when ingested. The thought
7 was that this location may involve a pill pressing
8 operation where those tablets were being made.

9 Q. So the HEAT team helped in the search of the home
10:26:49 10 on Titian Way on November 22nd, 2016, correct?

11 A. Yes, that's right.

12 Q. Prior to that, what familiarity in training had
13 you and other HEAT team members had in relation to
14 fentanyl?

10:27:01 15 A. Training and experience has -- was evolving
16 through 2016 as we were seeing fentanyl pop up around
17 the country. Utah was slowly starting to see some of
18 it in both overdoses and distribution so we began to
19 try to focus on being prepared for that eventuality.

10:27:21 20 We had had one incident in Sandy earlier that year
21 that involved a pill press where several officers
22 were unexpectedly exposed to the powders. From that,
23 we decided we needed to be a little bit more prepared
24 and proactive when handling some of these operations
10:27:39 25 like the pill press.

1 Q. When you were invited to participate in the
2 search of the home on Titian Way, did you take any
3 extra measures or research anything to familiarize
4 yourself with what you expected to find in the home?

10:27:57

5 A. I tried to familiarize myself with what pill
6 pressing operations might involve, the machinery we
7 might be looking for, what type of powders we might
8 see, um, both controlled substances and, um,
9 additional items necessary to make pills. So just
10:28:15 10 general research for that type.

11 Q. Had -- well, tell me what you expected to find in
12 the home by being -- by the HEAT team being invited
13 to participate?

10:28:28

14 A. Based on my research I expected, if we were to
15 find a pill press, we would find some form of active
16 ingredient, whatever that drug might be, um, some
17 form of inactive agreement that the basic stuff that
18 makes up a pill, sugars and cellulose and things like
19 that, just what we would expect to find on those
10:28:45 20 devices as we would find them. Some type of
21 measuring system to weigh out and some type of mixing
22 systems.

10:28:59

23 Q. Up to the point of that search in 2016, had the
24 HEAT team undertaken this type of a search
25 previously?

1 A. The HEAT team had not. We were formed after that
2 discovery of the pill press in Sandy where we were
3 assisting state and locals. It was formed after that
4 incident to try to be prepared for another one.

10:29:12 5 Q. What plans or precautions were taken to prepare
6 for the search on Titian Way?

7 A. Based on our concerns that we would be dealing
8 with large amounts of powder or potentially with a
9 controlled substance that we were concerned with, we
10:29:27 10 made contact with both local hazardous material teams
11 for the fire department and the National Guard Civil
12 Support Team whose job is primarily to respond for
13 unknown chemical environments just so that they could
14 help us in the event we would need some form of
10:29:43 15 decontamination or additional expertise for something
16 that we may not be familiar with.

17 Q. Did the HEAT team mobilize on November 22nd,
18 2016, for this search?

19 A. Yes, we did.

10:29:55 20 Q. What -- you mentioned the fire department and the
21 civil service unit of the --

22 A. Civil Support Team for the National Guard.

23 Q. For the National Guard, were there any other
24 agencies involved that day?

10:30:09 25 A. State and local officers, Cottonwood Heights

1 Police Department was out there as well, and all of
2 the associated investigating groups.

3 Q. And how many members of the HEAT team mobilized
4 on that day?

10:30:20 5 A. Um, I believe 14.

6 Q. What was Unified Fire's role in being on site?

7 A. To provide us emergency or decontamination in the
8 event that we were covered in any type of an unknown
9 substance both in the emergency setting, during the
10:30:36 10 initial operation, and then the subject of processing
11 and handling all of the evidence they were there to
12 help us get out of personal protective gear without
13 getting it on to our skin or into our respiratory
14 system.

10:30:49 15 Q. So you kind of hinted at the process, but walk me
16 through the process for decontamination?

17 A. Once you have been into what you suspect to be a
18 hazardous environment, you do your best to identify
19 what that substance might be, if you can. As you
10:31:03 20 come out, you're still in your protective gear,
21 whether that is your mask or the breathing system.
22 Your decontamination line will have already been
23 established because you do have limited amount of air
24 in that tank so you are kind of on the clock.
10:31:16 25 They'll move you through, start with a basic wipe

1 down of your equipment to remove excess equipment,
2 any radios or anything that you might have, and start
3 moving you through the decon line which will include
4 a spray down to try to track down any material,
10:31:32 5 especially if it is a dry powder, wipe that out and
6 then start cutting you out of the suit as you
7 continue to move step by step through the line. The
8 last thing you do is take off your respiratory
9 protection once you have moved through and cleared
10:31:44 10 your suit.

11 Q. You mentioned cutting out of the suit. Why are
12 the members of the team cut out of their suits?

13 A. They're a disposable suit and it is easier to cut
14 out of the back of the suit. Typically when you're
10:31:58 15 handling things you get dirty on the front so it
16 tends to be easier and safer to cut a person out of
17 the back of the suit and let it fall away then you're
18 less likely to spread any of that contamination onto
19 the person in the suit.

10:32:09 20 Q. I want you to walk me through what the HEAT team
21 did on November 22nd. If you can start at the
22 beginning, what happened when you first mobilized?

23 A. We had -- we met at a prearranged location in
24 Cottonwood or Cottonwood Heights I believe at the
10:32:26 25 police department. All of the personnel arrived,

1 brought their equipment. Um, we began the process of
2 getting all of the people who were going to go into
3 the residence suited up into protective gear which is
4 both the chemical suit, gloves, the respiratory
10:32:41 5 protection in addition to their tactical equipment.
6 It was kind of a dual mission we have to protect
7 ourselves from unknowns, but also be prepared to do
8 the search warrant.

9 So at that staging location it took probably
10:32:54 10 about 20 to 30 minutes to get everyone into that
11 equipment. It takes time to get into it, to tape up
12 all of the interfaces so we don't have a gap between
13 your mask and the suit where you would have some
14 exposed skin. Once everyone was suited up, we made
10:33:10 15 sure our support personnel were in position to run
16 the perimeter security of the location and that
17 decontamination was also prepared to help us in the
18 event we had any kind of an emergency. We then
19 loaded up into the vehicle, moved to the residence,
10:33:24 20 and initiated the search warrant.

21 Q. I want to show you a couple of photos from
22 Government's Exhibit 13.01. If we could look at the
23 first photo. Can you describe to me what is being
24 depicted in this photo?

10:33:40 25 A. This is personnel at the staging site getting

1 suited up in the chemical suits. The gray suit that
2 you see -- of course. The personnel are getting
3 suited up in the gray chemical protective suits. You
4 can see several in different stages of getting the
10:33:56 5 equipment on.

6 Q. And if we can move to Photo 7, what are we
7 looking at here?

8 A. This is looking south on Titian Way toward the
9 target location which is just a little bit further up
10:34:12 10 in the picture. I don't think you can actually see
11 it from here.

12 Q. Do you know what the purpose of the crime scene
13 tape and all of the vehicles are?

14 A. That set the further limit for the area of
10:34:25 15 operation and the response vehicles that have shown
16 up to support -- civil support team brought several
17 vehicles, the hazardous material team brought several
18 vehicles as well. I think that is actually a toilet
19 trailer right there (indicating) in front of the SUV.

10:34:40 20 Q. Okay. Let's go to the Photo 2, please, of 13.01.
21 What are we looking at here?

22 A. This is post entry. The team has finished
23 clearing the residence and now they're moving over to
24 the decontamination area. That trailer to the left
10:34:57 25 is part of Unified Fire's hazmat response team and

1 that is where they will do the bulk of the
2 decontamination. So the agents outside are just
3 standing by waiting for the system to get set up and
4 they will then move inside. They have already taken
10:35:12 5 off their tactical equipment and set it aside.

6 Q. So let's back up just a little bit. You said
7 that after you were at the staging site you moved to
8 the home on Titian Way.

9 A. Yes, that's right.

10:35:24 10 Q. Walk me through what happened once you -- once
11 the HEAT team arrived at Titian Way?

12 A. As we arrived at Titian Way, we had agents who
13 are already observing the residence. We had other
14 officers who were assisting us who would set a
10:35:40 15 perimeter around the residence to watch exits. As
16 they were in position, then our team exited the
17 vehicle, moved up to the front of the door. As you
18 can see with these breathing apparatus, it can be
19 hard to make yourself heard from any distance. In a
10:35:56 20 room it is fine, but try to be loud it is not very
21 effective. So we had two officers who were not in
22 any protective gear assist us at the front door with
23 a bull horn.

24 I was first at the door, I knocked on the
10:36:07 25 door, for the knock and announce component. One of

1 the officers without protective gear was announcing
2 police, search warrant. Police, search warrant.
3 After little more than a minute or so, we breached
4 the door, since there had been no response. We
10:36:23 5 continued to make announcements for a couple of
6 minutes. After a few moments, I noticed a subject
7 come up from the basement, he was cooperative, um,
8 came out with his hands up. He was passed back
9 further back to the rest of the team. We then slowly
10:36:41 10 began moving into and clearing the rest of the
11 residence from both first floor and basement.

12 Q. You mentioned that there was an individual that
13 came up from the basement. Do you recognize that
14 individual in the courtroom today?

10:36:53 15 A. Yes, I do.

16 Q. And where is he seated?

17 A. Right there.

18 Q. Can you define what he is wearing?

19 A. Um, dark suit, dark tie.

10:37:02 20 MR. BURGGRAAF: If the record can reflect
21 that Agent Breyer has identified the Defendant.

22 THE COURT: It will.

23 Q. (By Mr. Burggraaf) As you are at the front door,
24 um, you mentioned earlier tactical gear. What type
10:37:18 25 of tactical gear did you have and what was the

1 purpose of it?

2 A. Um, I was equipped with both soft body armor and
3 a plate carrier on the outside with both holster
4 police markings, spare magazines, handcuffs, and I
10:37:33 5 was also carrying a ballistic shield. And the rest
6 of the officers behind me were similarly equipped but
7 only one other officer had a ballistic shield. A
8 couple also had their carvings, their short rifles.

9 Q. What was the purpose of this entry, of entering
10:37:50 10 the residence at this time?

11 A. Just to perform the service of the search
12 warrant. To execute or -- to clear the residence and
13 do a protective sweep to ensure that there was no
14 additional personnel so that we could then search for
10:38:05 15 evidence.

16 Q. Okay. So you're at the front door, Mr. Shamo has
17 been brought -- has been passed along back. How does
18 it proceed from there?

19 A. Um, from there I took several steps in. I was
10:38:18 20 right at the top of the stairway to the basement and
21 held my position. The rest of the team moved through
22 the upstairs, through the kitchen, into the back
23 bedrooms. We just tried to do one floor at a time
24 instead of flooding the whole thing rather slow and
10:38:33 25 methodical with all of the equipment that we have on.

1 Once the first floor was cleared, the team
2 joined back on me and we pushed down into the
3 basement. I got to the basement, headed to the
4 right. There was a large living room there, cleared
10:38:47 5 that, and then I rejoined the rest of the group and
6 started moving down the hallway toward the north side
7 of the basement all of the way to the last door.

8 Q. So when you say you turned around and moved down
9 to the other side of the basement, is that -- you're
10:39:00 10 going down the stairs, is that to the left?

11 A. Um, initially when I got to the bottom of the
12 stairs I turned right and the rest of the team was
13 working on some of the rooms to the left. My job was
14 done then I rejoined them and started moving to the
10:39:15 15 left and took my turn in the flow and ended up into
16 the last room, the closed door at the end of the
17 hallway.

18 Q. So once you're at the closed door at the end of
19 the hallway, what happened?

10:39:25 20 A. Myself and one other agent opened the door,
21 entered, I moved off to the right. It was a very
22 small room but had some machinery in there that
23 limited our movement so only two of us were able to
24 get in. I cleared the closet, my partner came in
10:39:44 25 with me, we made sure there was no additional

1 personnel in the room or any other subjects.

2 Q. I want to show you Exhibit 13.09 photo 10. Can
3 you tell me what we're looking at here?

10:40:02

4 A. This is the view that I had as soon as that door
5 came open into that back bedroom.

6 Q. And what was your impression when you -- when the
7 door was first opened and you saw the contents of the
8 room?

9 A. That that is a pill press.

10:40:13

10 Q. Okay. Let's move on to Photo 11 of the same
11 exhibit. Um, tell me what we're looking at here?

12 A. Just a slight bit to the right further into the
13 room there is a large desk chair or office chair in
14 the way but the rest of the room as it moves further
10:40:29 15 to the right.

16 Q. So photo 12, tell me what we're looking at here?

17 A. This is against that far -- I believe it is the
18 east wall, again a little bit more to the right, just
19 above another small pill press that is on the floor
10:40:45 20 but this was the bookshelves above it.

21 Q. At this point when you're sweeping the residence,
22 is any evidence being seized or removed?

23 A. No. No. At that point our purpose is really
24 just to ensure there are no additional people left
10:41:02 25 inside of the residence.

1 Q. If we could go to the next photo, what are we
2 looking at here?

3 A. The last bit of the room right before the closet
4 to the right is a closet with a bi-fold door and this
10:41:14 5 is the second pill press and the second chair.

6 Q. When preparing for entering this home, did you
7 expect to find more than one press?

8 A. No.

9 Q. If we can move on to the next photo, what are we
10:41:29 10 looking at here?

11 A. Partial view of the closet. This is about as far
12 as we could get into the room. This is not a very
13 big room so with the chairs and the machinery, we
14 could only get in a few steps especially with all of
10:41:41 15 our equipment.

16 Q. And Photo 16, what are we looking at here?

17 A. This is some type of a dolly, I think a furniture
18 dolly also in that room just against the closet with
19 a respiratory -- or a respirator hanging on it.

10:42:00 20 Q. I want to take you back to when you first entered
21 the home and Mr. Shamo came up from the basement. In
22 what condition was he in when he came out of the
23 home?

24 A. As I recall, I think he was just wearing a
10:42:12 25 T-shirt and shorts and maybe some shoes or

1 flip-flops.

2 Q. Did he have on any sort of protective gear?

3 A. Not that I observed.

4 Q. Okay. Next photo. What are we looking at here?

10:42:27 5 A. This is that first pill press that was directly
6 inside of the door as it came open. You can see
7 there is quite a bit of powder both in the hopper and
8 then some around the base of it and then the LCD
9 screen looks to be on.

10:42:42 10 Q. Was this -- is this an accurate depiction of the
11 condition of that press when you entered the room?

12 A. Yes, it is.

13 Q. If we can go to the next photo, this Photo 18,
14 what are we looking at here?

10:42:55 15 A. This is like just a basket directly below the
16 pill press that appears to contain tablets, squares,
17 Xanax style tablets or rectangular.

18 Q. And Photo 19 of 13.09, what are we looking at
19 here?

10:43:13 20 A. This is just behind that pill press. This is a
21 V-mixer used for putting two different types of dry
22 materials together. When it's turned on, it rotates
23 and gently and gradually mixes the substance for
24 however long you would like it to run.

10:43:28 25 Q. 13.09, 20, what are we looking at here?

1 A. Sorry this is little bit further to the right.
2 Again, it is -- that is a corner of the smaller pill
3 press and there is another V-mixer back behind that
4 smaller one.

10:43:46 5 Q. And 13.09-21?

6 A. That is a better picture of the smaller mixer
7 against the wall.

8 Q. 13.09-22, what are we looking at here?

9 A. This is on the shelf just above there it looks
10:44:00 10 like there are different color powders, um, and a bag
11 of -- it looks to be some kind of a packaging maybe
12 for coffee, I didn't really know. But it appeared to
13 be coffee, I think cava I think coffee.

14 Q. Do you know what the red bottle to the left of
10:44:17 15 that bag what its purpose was?

16 A. I believe it is a lubricant for one of the
17 systems.

18 Q. Okay. If we can go to the next photo. What are
19 we looking at here?

10:44:28 20 A. This is also a box that was in the room. The bag
21 to the front says lactose. Lactose is a common
22 ingredient in just general pill composition.

23 Q. So after seeing the contents of the two pill
24 presses, and the room in general, what was your
10:44:51 25 impression of the potential risks?

1 A. Um, that we needed to pull back out, do a more
2 detailed assessment of what we were seeing. Like I
3 said, the tactical operations really looking for
4 personnel doing a quick visual assessment of what we
10:45:07 5 see but not a detailed one. So we needed to get a
6 more detailed assessment of the threats we were going
7 to be encountering as we had to process this.

8 Q. So after doing this initial sweep in these grey
9 hazard suits, what happened?

10:45:20 10 A. Our team pulled out, went through the
11 decontamination process. We requested assistance
12 from civil support team for the Level A which was the
13 highest level of protection. We have several agents
14 who were certified and able to go in in that level of
10:45:35 15 protection, but we figured we would need some
16 assistance with that. So we were on standby until
17 they were able to respond and assist us with that
18 highest level of protection.

19 Q. I want to show you Exhibit 13.01 photo 3. What
10:45:51 20 are we looking at here?

21 A. This is another point of the decontamination
22 process. Teams are moving, people are moving through
23 getting decontaminated, moving out of their suits,
24 getting a short break. It is a bit of stress on the
10:46:06 25 body being in that. Even in November, it can be

1 very, very hot in all of that material.

2 Q. So why were both the HEAT team and the National
3 Guard Civil Support Team included that day on the
4 search?

10:46:18 5 A. The Level A training at that time we only had, I
6 think, three or four people who were certified to
7 that level but the National Guard has an extensive
8 number. So we're looking for assistance with more
9 people who can help with that. They also have
10:46:33 10 different instrumentation that can do air monitoring
11 to see if there is any airborne concerns. And they
12 also they do quite a bit of decontamination as well.

13 Q. I want to take you to Photo 6 of this same
14 Exhibit 13.01. What are we looking at here?

10:46:52 15 A. That is one of our officers getting ready to go
16 into the Level A, just kind of interim. He has to
17 wear the breathing tank underneath the system so that
18 way you can't see -- you can see a little bit of the
19 orange on the bottom there. His suit is orange and
10:47:06 20 he's about to pull it up and over.

21 Q. I want to take you to Photo 4. You mentioned his
22 suit was orange. Was it actually yellow?

23 A. His is yellow the -- well, we have two. There
24 are both orange and yellow suits. The National
10:47:22 25 Guards are orange so we borrowed one of their suits

1 as well.

2 Q. You mentioned Level A multiple times. What is
3 the difference between these yellow and orange suits
4 versus the gray ones that you initially went in with?

10:47:36 5 A. So the Level A provides the maximum amount of
6 protection for both the personnel and their equipment
7 by isolating it from all vapors, particles, liquids,
8 um, that might be encountered. So it is the maximum
9 level of protection that can be afforded and still
10:47:52 10 work in these environments.

11 Level B is what we elected to use for the
12 operation for the entry only because as you can see
13 in these suits, it is really hard to do anything else
14 other than walk around and manipulate a few things.

10:48:04 15 Q. Have you look at Photo 5. What are we looking at
16 here?

17 A. That is one person fully loaded up in the Level A
18 and another person, as you can see in the orange
19 suit, getting suited up also but that is one of the
10:48:17 20 suits we borrowed from the National Guard.

21 Q. And if we can go back to the photo before, um,
22 Photo 4, do you recognize the individuals in this
23 photo?

24 A. Yes. In the four that is Cameron Thor, he is a
10:48:31 25 Task Force Officer, and that is myself in the

1 background.

2 Q. So it appears that you're suiting up to go in
3 Level A suits. Did you end up going in the home in
4 the Level A suit?

10:48:44 5 A. No, my suit failed. The zipper broke as they
6 were trying to get it pulled up which happens from
7 time to time on just this equipment. So my suit
8 failed. We didn't have a back up so I didn't get to
9 go in in the Level A.

10:48:58 10 Q. Why wouldn't you have had a backup suit?

11 A. Just the cost of the suits. We hadn't gotten
12 enough of them in yet. It was a slow process to get
13 the funding for these.

14 Q. And why were Level A suits, being more
10:49:10 15 protective, why were they not used when you performed
16 the initial entry into Mr. Shamo's home?

17 A. They just provide a lot of additional bulk and it
18 doesn't really make it feasible to move smoothly
19 through a residence when you're trying to handle
10:49:24 20 weapons, suspects, or become involved in any kind of
21 an altercation. It would be a significant liability.

22 Q. Once the -- once the individuals were suited up
23 in these Level A hazard suits, what happened?

24 A. Um, they both took video and camera equipment,
10:49:42 25 some air monitoring equipment moved back into the

1 residence, checked all rooms and all floors for
2 whatever they could detect and did photos and videos
3 of the entire place.

4 Q. What were you doing during this time?

10:49:54 5 A. I was outside helping to prepare for what follow
6 on work we might need to do, briefing up other
7 personnel as to what their roles would be after they
8 came out from the Level A.

9 Q. After the Level A assessment, then what happened?

10:50:11 10 A. We determined that while there was a large amount
11 of powder, we were concerned about that. We didn't
12 find any toxic vapors or liquids that we were
13 especially concerned about, so we elected then to
14 scale back to Level B once again for the rest of the
10:50:27 15 processing.

16 Q. And just for clarification, the justification for
17 scaling back to Level B?

18 A. Is we did not find any toxic vapors that would
19 indicate someone is actually producing or
10:50:40 20 synthesizing a drug there. We didn't find any
21 hazardous liquids that we were concerned about that
22 the Level B suit couldn't manage.

23 Q. The Level B suits are the gray suits?

24 A. Yes, that's right.

10:50:51 25 Q. Before re-entering in the Level B suits, what

1 plan was made as far as re-entering the residence and
2 performing an additional search?

3 A. We reviewed the video in the still photos to see
4 what were areas of greatest concern which tended to
10:51:09 5 be that single basement room. There were a few other
6 items that we were -- needed to focus on as well, but
7 we elected to process the entire first floor before
8 moving to the basement so that we could move through
9 that without disturbing what was the greatest threat
10:51:27 10 in the basement as opposed to doing the opposite way
11 which we were afraid we would be spreading
12 contamination to the other parts of the house while
13 we were trying to process.

14 Q. So tell me what the HEAT team did at that point
10:51:38 15 once that strategy was formulated?

16 A. Um, we assembled a team to go back in, Level B,
17 took in our evidence bags and started working. I
18 believe initially we started in the basement or in
19 the upstairs bedroom, the master bedroom.

10:51:53 20 Q. And did you suit up in a Level B suit this time?

21 A. Yes, I did.

22 Q. Were you part of that search team that re-entered
23 the home?

24 A. Yes.

10:52:01 25 Q. And how many team members re-entered the home at

1 that point?

2 A. We would rotate four at a time. We had
3 additional personnel but to run too many people in
4 just tends to get cluttered and after a certain time
10:52:18 5 people need to come out, it is better to rotate fresh
6 personnel in as opposed to six or eight at once.

7 Q. I want to show you Photo 11 of Exhibit 13.01. Do
8 you recognize this?

9 A. Yes.

10:52:31 10 Q. What is this photo depicting?

11 A. This is one of our officers, Task Force Officer
12 Thor assisting Task Force Officer Daryl Daine to get
13 suited up for Level B to go back into the residence.

14 Q. What time of day is this?

10:52:49 15 A. Early evening.

16 Q. So tell me how much time were you at the Titian
17 Way residence performing this search?

18 A. From initial entry to the time we finished I
19 believe was over 12 hours.

10:53:04 20 Q. Okay. What were -- as you re-entered the team or
21 the team re-enters the residence, what was searched
22 and seized first?

23 A. We moved back in to the master bedroom. During
24 the Level A assessment, officers had discovered a
10:53:20 25 large amount of U.S. currency. The goal was to bring

1 that and secure that first so that it no longer
2 presents any concerns or issues when we're moving the
3 rest of the items around. So that was the first goal
4 was to collect the currency, put it in bags, and take
10:53:37 5 it back out to the evidence person out front.

6 Q. I want to show you Exhibit 13.09, Photo 25. Do
7 you recognize this photo?

8 A. Yes, this is in the master bedroom.

9 Q. And Photo 3, what are we looking at here?

10:53:59 10 A. That is one of the lower drawers on that dresser
11 full of U.S. currency.

12 Q. And Photo 4, what are we looking at here?

13 A. One of the bundles that came out of that drawer.

14 Q. Now, it looks like there is a hand that's holding
10:54:13 15 the bundle up with orange sleeves. At what point
16 were these photos taken?

17 A. This would have been during the Level A entry and
18 assessment.

19 Q. These photos, do they accurately represent what
10:54:26 20 you found when you went back in --

21 A. Yes.

22 Q. -- in Level B suits?

23 A. Yes, sir.

24 Q. If we could go to Photo 5. What are we looking
10:54:33 25 at here?

1 A. This is the top drawer for another dresser
2 directly beside the other dresser also in the master
3 bedroom.

4 Q. And Photo 6?

10:54:42 5 A. This was a drawer from one of the nightstands.

6 Q. Photo 10. 13.01-10, what are we looking at here?

7 A. This is one of the bags of currency coming out of
8 the residence to be transferred to the next person in
9 the chain of custody.

10:55:11 10 Q. When you say one of the bags, how many bags were
11 there?

12 A. I don't recall exactly, but there were several
13 three, four. I don't remember the exact number.

14 Q. So you started to search in this master bedroom.
10:55:22 15 What other items of interest were located and seized?

16 A. In the closet there were two money counting
17 machines, there were a couple of safes, there were
18 several electronic devices. I think there was a
19 laptop and some USB devices.

10:55:40 20 Q. I'm showing you what has been marked as
21 Government's Exhibit 13.03. Do you recognize these
22 items?

23 A. Those are money counters.

24 Q. Are these the ones that were found that day?

10:55:54 25 A. I believe so.

1 Q. I want to just back up. The money gets brought
2 out of the house and you're starting to bring other
3 seized items out of the house. What's the process
4 for seizing the items and bringing them out of the
10:56:11 5 house?

6 A. As the team is coming out, our job is to bring it
7 out to a person who was making an inventory of all of
8 the items that are there. Since we really don't have
9 dexterity to do it. As they record where the items
10:56:23 10 were found, we're then transferred to the next person
11 and that continues the chain of custody until it is
12 submitted either for testing at the lab or long term
13 storage.

14 Q. If we can look at Exhibit 13.01, Photo 9. What
10:56:38 15 are we looking at here?

16 A. This is an example of one of us, I can't tell if
17 that is me or not, coming out of the house describing
18 what evidence we found and passing it off to Task
19 Force Officer Nattress here who is sitting at the
10:56:55 20 table making lists.

21 Q. If we can look at Photo 13.09-30. You mentioned
22 there was some safes in the master bedroom. Were the
23 safes open?

24 A. They were closed when they were in the closet.

10:57:10 25 Q. Did you help to remove those?

1 A. I did not.

2 Q. Did you ever see the contents?

3 A. No, sir.

10:57:22

4 Q. Okay. 13.09, Photo 26. Does this accurately
5 represent the closet in the master bedroom?

6 A. Yes, it does.

10:57:36

7 Q. And it looks like there is the cash counting
8 machines and then a blank spot next to it. Do you
9 know what was -- was anything there in the blank spot
10 next to it?

11 A. I believe that is where the safes were located.

12 Q. Okay. On the first floor that was being searched
13 first, were there any other bedrooms or a study that
14 was searched?

10:57:45

15 A. Directly adjacent to the master bedroom was a
16 study, an office with several computers, and filing
17 cabinets. And there was one other bedroom, also
18 upstairs, that seemed just for general storage. We
19 didn't find anything of note in that storage bedroom.

10:58:04

20 Q. I want to show you Exhibit 13.09, Photo 31. What
21 is this?

22 A. This is a photograph of the office adjacent to
23 the master bedroom.

10:58:19

24 Q. And if we can look at Photo 32 as well, perhaps
25 if you put them side-by-side. Sorry for telling you

1 that on the fly. That is a -- we can just look at
2 Photo 32 and that will be fine. This photo seems a
3 little bit blurry, but what additional items are
4 depicted in this photo as compared to the prior
10:59:02 5 photo?

6 A. This is -- this is taken from the doorway looking
7 into the office. You can see there is a small wood
8 cabinet right in the front that appeared to be an
9 older, I don't know if it is an antique type of
10:59:13 10 pressing machine, um, and then the rest of the desk
11 has the computers and the filing cabinets.

12 Q. Same exhibit but Photo 1. Is this what's inside
13 of the cabinet?

14 A. Yes. Yes, that's right.

10:59:30 15 Q. And then if you will back up to Photo 31. From
16 this room, what items of interest that were covered
17 by the warrant were seized?

18 A. Um, the computers, the electronic devices, and
19 inside the drawers there -- we found some silver --
10:59:51 20 silver bars and some unknown powders in metal
21 packaging.

22 Q. As you walked into the courtroom today, did you
23 notice this computer here on the table?

24 A. Yes.

11:00:01 25 Q. It is marked as Government's Exhibit 13.04. Did

1 that computer come from that room?

2 A. I believe so, yes.

3 Q. And you mentioned some silver bars. Were those
4 seized?

11:00:14 5 A. Yes.

6 Q. I am showing you what's been marked as
7 Exhibit 13.07. Do you recognize those?

8 A. Yes. Those appear to be the bars that we found
9 inside of the filing cabinet.

11:00:40 10 MR. BURGGRAAF: Permission, Your Honor, to
11 publish these to the jury?

12 THE COURT: You may.

13 Q. (By Mr. Burggraaf) In your experience, had this
14 type of silver bars been found at drug trafficking
11:01:30 15 search warrant sites?

16 A. I have never come across silver bars before.

17 Q. When you first retrieved those bars, did you find
18 them to be deceptively heavy?

19 A. Yes.

11:02:07 20 Q. What items covered by the search warrant were
21 found in the kitchen?

22 A. Inside a drawer in the kitchen we found a couple
23 of additional bags of an unknown white powder along
24 with it looks to be the box of -- a box that they
11:02:25 25 came packaged in with a shipping label.

1 Q. I want to show you Exhibit 13.09 Photo 27 and
2 then we'll go to 28 and 29 as we talk about them.

3 What are we looking at here?

11:02:40

4 A. This is that drawer just under the countertop
5 that has the box with the white powder and both of
6 the packages, both the pink one and the brown one
7 were found right there as well and I believe there is
8 additional powder inside of the brown and tan
9 packaging as well.

11:02:55

10 Q. Were all of these items seized?

11 A. Yes.

12 Q. Let's look at Photo 28. Is this the brown
13 package, the side that you were referencing?

14 A. Yes, that's right.

11:03:05

15 Q. So it appears there was some sort of powder in an
16 additional bag inside of that; is that correct?

17 A. Right.

18 Q. Photo 29. Why was this documented?

19 A. That's the box that the powders were found in.

11:03:20

20 Whether that is -- we just took that because it may
21 have been what they were actually shipped in.

22 Q. And can you read the name to whom it was shipped
23 to?

24 A. Jessica Gleave.

11:03:35

25 Q. I want to walk through some additional photos,

1 see what you can tell me about them.

2 In this same Exhibit 13.09 Photo 2, what are
3 we looking at here?

4 A. This is in the basement. There is a long closet
11:03:49 5 right at the base of the stairs where we found
6 several items to include a large amount of presses
7 and dies that are associated with pill pressing
8 equipment.

9 Q. And you say this was in the basement or was
11:04:04 10 this --

11 A. The basement.

12 Q. -- or upstairs?

13 A. The basement.

14 Q. Okay. Photo 7, what are we looking at here?

11:04:11 15 A. This is, it is on the side, a packaging of -- I'm
16 trying to read it, also found in the basement, we
17 found several boxes of a white powder in one of the
18 bedrooms marked with various ingredients, one of them
19 like microcrystalline cellulose and things of that
11:04:36 20 nature. Like a pre-mix for pill pressing.

21 Q. And how did you know that they were a pre-mix for
22 pill pressing?

23 A. Some of the research I have been looking into as
24 how people would produce pills I found you could
11:04:47 25 either buy individual components or there were some

1 vendors who would sell a pre-mix of all of the things
2 together so that would cut down the time for
3 processing.

4 Q. If we could go to Photo 8. Is this an image of
11:05:03 5 one of the same bags we were looking at previously?

6 A. Yes, that's right.

7 Q. And if we can look at Photo 9. What are we
8 looking at here?

9 A. Those are the boxes we found in the bedroom,

11:05:18 10 basement bedroom, next to the room with the pill
11 press that had those white powder packages that you
12 just showed.

13 Q. Let's look at Photo 24. What are we looking at
14 here?

11:05:33 15 A. This was a crate found also in the basement that
16 we opened, a wooden shipping crate, that had
17 additional pill punches and dies for different types
18 of machines.

19 Q. I would like you, if you -- if he may, Your
11:05:52 20 Honor, to step down from the stand. There are four
21 boxes up here all identified as Government's
22 Exhibit 13.13.

23 If you would take a look at what is in each
24 of those boxes, I would suggest if you are going to
11:06:17 25 handle them you may want to use gloves. And once you

1 have had a chance to look in each of those boxes you
2 can head back up to the stand.

3 THE COURT: Do you want to look?

11:06:54

4 Q. (By Mr. Burggraaf) Before taking the stand,
5 would you mind picking up one or more of the contents
6 of one of the boxes and show it to the jury. Are
7 there any other smaller components?

8 THE CLERK: The jury over here (indicating)
9 can't see.

11:07:15

10 Q. (By Mr. Burggraaf) So yeah, if you will just
11 walk down.

12 Are there any other smaller components
13 within those boxes? If you will do the same like
14 manner and show those to the jury.

11:07:36

15 A. (Witness so complying.)

16 MR. SKORDAS: May we see it?

17 Q. (By Mr. Burggraaf) And Agent Breyer, if you will
18 go back up to the witness stand and I'll ask you a
19 few questions about that.

11:08:05

20 Did you recognize the contents of those four
21 boxes?

22 A. Yes, sir.

23 Q. What was in there?

11:08:15

24 A. Um, punches and dies, pill presses utilize
25 multiple pieces, they're punches that slam together.

1 And the die that sets the size and the shape of the
2 pill. So it is a mixture of punches and dies.

3 Q. Were the contents of this photo within those
4 boxes?

11:08:29 5 A. Yes.

6 Q. About how many, if you were going to put an
7 estimation, how many punches are within those boxes?

8 A. 50.

9 Q. Were they all located in the exact same location
11:08:43 10 when performing the search?

11 A. They were either located in that closet or
12 somewhere in the basement area.

13 Q. You mentioned that searching the room with the
14 pill presses in it was left until the end. I want to
11:08:58 15 talk through that a little bit. How did you and the
16 other HEAT team members go about searching that room
17 for evidence?

18 A. Once we moved into the room we decided that the
19 first thing would be to collect as much of the powder
11:09:13 20 and contain that. So as we're moving other things

21 around we don't continue to make as much of a mess.

22 So we collected and contained the powder.

23 Representative samples were taken from that and then

24 it was moved upstairs outside to the evidence

11:09:26 25 processing.

1 Q. And to clarify, in fact we can show Exhibit 13.09
2 Photo 17, you mentioned collecting powder. From
3 where did you collect the powder?

4 A. From the hopper, the device on top. And what we
11:09:42 5 could get from the side. Eventually we were going to
6 need to move these machines and we wanted to minimize
7 how much we would be spreading contamination so we
8 tried to scrape off as much as we could.

9 Q. So in collecting the powder, how did you collect
11:09:56 10 it?

11 A. Into buckets.

12 Q. And once the powder was collected, then what was
13 done with it?

14 A. It was taken upstairs. We would take a sample
11:10:07 15 and then the rest was set aside for later processing
16 once the hazardous material response company arrived.

17 Q. Was the same process for collecting a sample done
18 on both pill presses?

19 A. Yes.

11:10:24 20 Q. And the collection of the powder collected in the
21 same manner?

22 A. Yes.

23 Q. Were those mixed between the two presses at all
24 when collecting?

11:10:33 25 A. No. No. The one press is clearly white powders,

1 the other is clearly blue, so we kept them separate.

2 Q. What other items then, after collecting these
3 powders, what other items were then seized?

4 A. Um, we found on one of the upper shelves two

11:10:51 5 small baggies full of light blue tablets, top left
6 shelf. There were a few more of those white

7 microcrystalline cellulose formula bags that we found

8 from the other room. There were some scales. There

9 was a scale behind one of the chairs, I think, and

11:11:10 10 whatever pill press -- whatever items we could pull
11 off the pill press to include the dies and punches
12 out of the machines themselves.

13 Q. So let me walk you through a few of these other

14 photos and maybe you can identify some of the items

11:11:23 15 that were seized. If we can go to Photo -- Exhibit
16 13.09, Photo 19. Was this machine seized?

17 A. Yes.

18 Q. Was it logged into evidence?

19 A. Yes.

11:11:46 20 Q. The machine itself. What about in the bucket
21 below there. Were there any contents in the bucket?

22 A. It was a white loose powder.

23 Q. What was done with that powder?

24 A. That was seized also.

11:12:00 25 Q. When you say seized, it was ultimately taken out

1 of the home. Do you know whether it was logged into
2 evidence versus Envirocare removing these items?

3 A. Samples were logged into evidence and the large
4 amounts of powder were later on adulterated and
11:12:19 5 disposed of as hazardous waste.

6 Q. Earlier you mentioned Envirocare. What is
7 Envirocare?

8 A. Envirocare is our hazardous waste disposal
9 corporation that comes to handle all of the hazardous
11:12:32 10 waste, dispose of it, whether that might be landfill,
11 incineration, or whatever OSHA recommends or
12 requires. But we use those any time we have a
13 hazardous material site.

14 Q. Let's look at Photo 21 of the same exhibit. Was
11:12:51 15 that small industrial mixer seized?

16 A. Yes.

17 Q. It was removed from that room?

18 A. Yes, it was.

19 Q. Let's look at photo 13.09-11. What in this
11:13:04 20 image, in this photo, can you see that you recall
21 being removed?

22 A. On the top shelf there in the corner with the
23 green top are the small Ziploc bags that had the blue
24 pills, some of the contents from that. Most of this
11:13:22 25 was seized, some was kept for evidence, some was

1 destroyed as contaminated such as any hard material.
2 The scale would have also been taken for destruction.

3 Q. I want to show you what has been marked as
4 exhibit Government's Exhibit 12.07. There are two
11:13:58 5 Government Exhibits in there but I particularly want
6 to ask you about the pills that are contained in
7 there. Do you recognize those?

8 A. Yes. Those appear to be the pills that we took
9 from that room.

11:14:09 10 Q. And let's look at Photo 18 of Exhibit 13.09.
11 What are we looking at here?

12 A. This is another picture of the tablets directly
13 below that first pill press in the little basket.

14 Q. I would like to show you what has been marked as
11:14:48 15 Government's Exhibit 12.05. Do you recognize what is
16 in that bag?

17 A. Yes. Those appear to be the items that were in
18 the basket.

19 Q. It seems in this photo that we're looking at in
11:15:16 20 13.09 that there appears to be another bag on the
21 bottom.

22 A. Yes, that's right.

23 Q. Does the exhibit that you're looking at up there,
24 12.05, also include the pills from that bag?

11:15:29 25 A. Yes.

1 Q. Did you seize any additional powders from that
2 room or elsewhere in the house?

3 A. We also found, I believe, one or -- I can't
4 remember how many bags from the office upstairs as
11:16:09 5 well like in a small Mylar type of metallic bag. I'm
6 not -- I'm sure we seized some, I just don't recall
7 how many.

8 Q. Okay. If we can look at Photo 13.09. Um, sorry.
9 Exhibit 13.09, Photo 12. The items on the top shelf,
11:16:32 10 were they seized?

11 A. I believe those were more of the bags marked as
12 the formula that we found from the other room. So we
13 had several that we seized for analysis, but not all
14 I think just maybe three bags.

11:16:53 15 Q. Um, what did you do with the presses once you had
16 concluded search and seizing other items in the room?

17 A. Once we had finished with all of the evidence
18 gathering from the residence, we did a second sweep
19 to make sure. We then employed the Envirocare, the
11:17:11 20 waste disposal team. We had removed all of the
21 punches and all of the dies but then the items just
22 became bulk hazardous waste so they had to be removed
23 from the residence and disposed of. So they had to
24 be carted up the stairs and packaged for disposal.

11:17:26 25 Q. So you said the punches and dies had been

1 removed. Are we talking about from the pill presses
2 themselves?

3 A. Yes, that's correct.

4 Q. Tell me about that. How did you go about
11:17:36 5 removing the punches and dies from the pill presses?

6 A. You have to disassemble the system to actually
7 get them out. We didn't have suitable tools but we
8 did find suitable tools in the -- in that same room
9 to disassemble it. So we were able to pull it apart,
11:17:51 10 pull out the dies and punches.

11 Q. What did you do with those punches and dies?

12 A. Those were submitted as evidence.

13 Q. And why did you submit those into evidence?

14 A. They were contaminated but they also just come
11:18:03 15 out of a machine that was at the scene that we
16 believe was used for processing the tablets. So we
17 wanted to use that as evidence to see if we could get
18 trace examination off of the material.

19 Q. Either through research, training, or merely
11:18:20 20 through removing these punches from the machine, did
21 you become familiar with how -- what kind of motion
22 or how these punches worked inside of the machines?

23 A. In a general way, yes.

24 Q. If you could maybe demonstrate to the jury and
11:18:35 25 explain how you think the punches were working inside

1 those machines?

2 A. The die will sit stationary in the system. It

3 sets the pill size. But the punches, based on this

4 type or any type expand and contract and they will

11:18:52 5 come together with force to compress all of the

6 powder together as the material moves in through the

7 hopper it will separate and the pill pops out. This

8 little sweeper that puts in a little bit more powder

9 and then the next one comes around. The rotary type

11:19:06 10 tends to have more punches and they can come through

11 repeatedly as opposed to the single punch which is

12 just one at a time. So they move in a rotary fashion

13 that's why there are typically multiple punches in

14 each system.

11:19:19 15 Q. Throughout the search of Mr. Shamo's home on this

16 day, what entry and exit points were being used by

17 the search term?

18 A. Only the front door.

19 Q. Were anyone other than the search team going in

11:19:30 20 and out of the home?

21 A. No. Just the civil support team for the initial

22 assessment and then after that it was the search team

23 and then Envirocare at the end with the waste

24 disposal.

11:19:42 25 Q. Was the garage ever searched?

1 A. Yes, it was.

2 Q. Is there an entry between the garage to the
3 interior of the home?

4 A. No.

11:19:50 5 Q. Did anyone ever use a rear exit for removing
6 evidence?

7 A. No.

8 Q. When was the garage searched?

9 A. Later on through the evening while we were
11:20:00 10 working inside I think personnel were able to crawl
11 through a window to get into the garage.

12 Q. Did you observe the contents of the garage?

13 A. Yes.

14 Q. If we can look at Exhibit 13.09, Photo 33. What
11:20:16 15 are we looking at here?

16 A. Located in the garage was a large shipping crate,
17 a wood crate, and inside of it was this device
18 (indicating).

19 Q. I'm going to highlight for you what has been
11:20:27 20 marked as 13.08 and 13.12 Government's Exhibits. Do
21 you recognize these items?

22 A. Yes. Those are the components that were in that
23 crate.

24 Q. And as you were going through and searching the
11:20:49 25 home, did you look through paperwork in addition to

1 other items?

2 A. I did not. I focused on the material.

3 Q. Did other members of the search team look through
4 any paperwork?

11:21:01 5 A. I believe so.

6 Q. And at the conclusion of the search, did you find
7 any evidence or items in the home that led you to
8 believe that anyone else was residing in the home
9 other than Mr. Shamo?

11:21:13 10 A. No, sir.

11 Q. Have you been involved in other investigations of
12 drug trafficking organizations that utilize the
13 darknet for distribution?

14 A. Yes.

11:21:25 15 Q. Have you been involved in other investigations
16 involving drug trafficking organizations where there
17 were ten or fewer key members?

18 A. Yes.

19 Q. In those investigations that you have been
11:21:36 20 involved with, have you seen organizations with more
21 than one leader or organizer?

22 A. Yes, I have.

23 Q. In your experience in the -- is the leader or
24 leaders of a drug trafficking organization always
11:21:52 25 what you would consider masterminds or do the leaders

1 or the leaders sometimes employ skill sets of others
2 to conduct business of the organization?

3 A. They take on a variety of roles. I mean some are
4 more involved, some are more hands on and some
11:22:10 5 utilize other skill sets from other people.

6 Q. In very small organizations isn't it common that
7 sometimes a leader may also act as a courier and
8 manufacturer and distributor?

9 A. Yes.

11:22:23 10 Q. Leaders in smaller organizations, it would be
11 fair to say, that they often times wear multiple hats
12 as far as responsibilities?

13 A. Yes, that's true.

14 Q. At what point in the life span of a drug
11:22:39 15 trafficking organization does the leader or leaders
16 shift to more of a management or executive role that
17 allows them to be more insulated?

18 A. I guess it really depends on the size and the
19 scope of the organization and how hands off that
11:22:53 20 person wants to be. I don't know that there is a
21 particular life that actually happens in every
22 instance.

23 MR. BURGGRAAF: Okay. If I may have one
24 moment, Your Honor.

11:23:03 25 THE COURT: You may.

1 MR. BURGGRAAF: Your Honor, if it is
2 permissible, I would like to allow -- essentially
3 publish the pill press with the box of contents to
4 the jury by allowing them to step up closer and take
11:23:38 5 -- have a closer inspection.

6 THE COURT: They can do that. Go ahead.
7 (Whereupon, the jury left the jury box and
8 looked at the Government's exhibit.)

9 MR. BURGGRAAF: If any members of the jury
11:24:24 10 want to try to actually move it or touch it, we do
11 have gloves up towards the front there.

12 THE COURT: Okay. Thanks. That is the
13 field trip for this trial I guess.

14 MR. BURGGRAAF: I was going to suggest we
11:25:31 15 take a field trip to the home, but I guess that is
16 out for today.

17 Q. (By Mr. Burggraaf) Can we go back to -- well,
18 before we move on from this Agent Breyer, did you
19 help move this press or any of the other two presses
11:25:46 20 in the basement?

21 A. Yes, I did.

22 Q. Explain what it was like to move them?

23 A. Well, I'm sure it is not 800 pounds but it feels
24 like it. That one was just difficult to move in the
11:25:57 25 garage being still on the pallet in the box. We had

1 to use a flatbed tow truck with a winch to drag it
2 out.

3 The ones in the basement were also difficult
4 and awkward. It took several of us to drag them up
11:26:13 5 just because of the size and the weight and the odd
6 shape of it.

7 Q. I want to look back at a photo in Exhibit 13.09,
8 Photo 10. The jury may have observed this, I thought
9 it might be beneficial for you to explain it. It
11:26:33 10 looks like there is almost kind of a black halo or
11 what not around these photos. Can you explain why
12 that is?

13 A. The system that we were using to take the
14 pictures is just a digital camera but with a dive
11:26:47 15 case on the outside of it. If the dive case gets
16 dirty it is very easy to clean and you're not
17 exposing your camera to any materials. And this is
18 just a standard hazmat type of camera that we
19 borrowed from the National Guard for these photos.

11:27:01 20 Q. So in the investigation into Aaron Shamo, are you
21 familiar with all facets and aspects of the
22 investigation?

23 A. No, sir.

24 Q. Would it be a fair characterization to say that
11:27:14 25 your involvement in the investigation into this drug

1 trafficking organization was limited in scope?

2 A. Yes.

3 Q. Did it extend much beyond the day that this
4 search was performed?

11:27:27 5 A. No, it did not.

6 MR. BURGGRAAF: No further questions.

7 THE COURT: Thank you. You may
8 cross-examine. Mr. Sam?

9 MR. SAM: Yes.

11:27:35 10 **CROSS-EXAMINATION**

11 BY MR. SAM:

12 Q. Agent Breyer, I just have a few questions for
13 you.

14 A. Yes, sir.

11:27:42 15 Q. And just going back on this pill press that was
16 out in the garage; is that correct?

17 A. Yes, that is correct.

18 Q. That is where it was located. Did you -- were
19 you there when it was first found or were there other
11:27:54 20 agents?

21 A. I was not there when it was first found. I was
22 there later on when we were helping to move it. I
23 was inside of the house at the time.

24 Q. Okay. And according to that picture, it looked
11:28:05 25 like there was a crate or it was -- and do you know

1 was it inside of a crate when it was found or --

2 A. It was inside of a crate when it was found, yes.

3 Q. Okay. And whether there was a manifest or
4 documentation on the outside, were you aware of that

11:28:20 5 or --

6 A. I am not aware of what was on the outside for a
7 manifest.

8 Q. To your knowledge, it was opened up?

9 A. Yes, I believe so.

11:28:28 10 Q. Okay. All right.

11 And then I wanted to go just ask you a few
12 questions about the protocol that day. You, in your
13 testimony, you said that earlier that year in Sandy
14 you had an experience with hazmat team and had
11:28:48 15 learned some things from that. Is that right?

16 A. Yes, that's right.

17 Q. And so as you go you had special training but you
18 also learned from prior searches certain protocol; is
19 that correct?

11:29:01 20 A. Yes.

21 Q. And so in the report, and I think you have
22 testified to this, that you initially went in with a
23 Level B hazard suit; is that correct?

24 A. Yes.

11:29:13 25 Q. And then there is an initial sweep and then the

1 Level A team or the suits came on. I think you
2 testified yours didn't work; is that right?

3 A. Right.

4 Q. And tell me a little bit about that. They went
11:29:26 5 in and they took some sampling or what happened at
6 that point?

7 A. Well, for the Level A team they would take in
8 both air monitoring equipment which measures for
9 general hazards as far as solvents and volatile
11:29:43 10 chemicals. That's kind of a generic type of air
11 monitoring equipment but that is the basis of what
12 the air monitoring that was done. And then it was
13 just trying to do a more detailed look at what items
14 were in there and how best to formulate a plan of
11:29:57 15 action after that.

16 Q. Okay. And so there is an initial assessment --
17 there was the A team made -- there was an assessment
18 made after that; is that correct?

19 A. Yes.

11:30:07 20 Q. And from what assessment was made, it was
21 determined that you could go back to the Level B
22 suits; is that correct?

23 A. Yes, that's right.

24 Q. Okay. And the pictures there to they showed the
11:30:19 25 pill press and the pills that were produced there.

1 Do you know what sort of -- what those pills were?

2 A. The white ones appeared to be the rectangular
3 shaped similar to a Xanax or Alprazolam tablet that
4 we thought we would see.

11:30:36 5 Q. Okay. And that powder there was probably not as
6 big a concern as other material?

7 A. Well, it still presented an unknown. We have an
8 assumption of what we're seeing but since we really
9 don't have the chemical analysis we still give it a
11:30:52 10 significant concern for us. So while we think we
11 know what it is, we still expect it is dangerous to
12 us so that is why we keep the protective clothing on.

13 Q. Okay. And if there would have been higher risk,
14 you would have been in Level A to collect -- take out
11:31:13 15 the powders then, is that right, instead of Level B?

16 A. Yeah. The Level A is if we would have seen
17 someone actually producing some type of material
18 using chemistry in a laboratory set up. That's what
19 usually Level A is designed for.

11:31:29 20 Q. So airborne contamination?

21 A. Airborne vapor and liquid splash protection.

22 Q. Okay. Is that what you experienced in Sandy
23 before earlier in the year that there was that level
24 of concerns? Is that why you had that protocol?

11:31:46 25 A. No. That is just the DEA's protocol. As

1 fentanyl was moving across the country, the initial
2 protocol was start with Level A for assessment, make
3 an adjustment as necessary. So it wasn't really just
4 our call to jump to Level A, it's just the DEA
11:32:02 5 protocol nationwide.

6 Q. Okay. And so on that day on November 22nd, there
7 wasn't -- there wasn't the level of fentanyl in the
8 home to be concerned to be a Level A; is that
9 correct?

11:32:15 10 A. The level of fentanyl synthesis as in actually
11 producing it at a chemistry level, no.

12 MR. SAM: Okay. All right. Just one
13 second.

14 (Brief pause in proceedings.)

11:33:18 15 MR. SAM: I don't have any further
16 questions, Your Honor.

17 THE COURT: Thank you, Mr. Sam.

18 Redirect, Mr. Burggraaf?

19 MR. BURGGRAAF: No questions, Your Honor.

11:33:26 20 THE COURT: You may step down and you may be
21 excused. And you may call your next witness.

22 MR. BURGGRAAF: The United States would call
23 Agent Cameron Thor.

24 THE COURT: Come forward and be sworn,
11:33:47 25 please.

1 THE CLERK: Just right here.

2 CAMERON THOR,

3 called as a witness at the request of the Plaintiff,

4 having been first duly sworn, was examined

11:33:58 5 and testified as follows:

6 THE WITNESS: Yes, I do.

7 THE COURT: Come around to the witness box.

8 THE CLERK: Please state your name and spell
9 it for the record.

11:34:17 10 THE WITNESS: Cameron Thor, C-A-M-E-R-O-N
11 T-H-O-R.

12 DIRECT EXAMINATION

13 BY MR. BURGGRAAF:

14 Q. Thank you for being here today. Where are you
11:34:27 15 currently employed?

16 A. The City of Park City.

17 Q. How long have you been employed there?

18 A. Approximately nine and a half years.

19 Q. And while employed with the City of Park City,
11:34:38 20 have you had any special assignments during that
21 time?

22 A. I have. I was in regular investigations, which
23 is crimes against property, crimes against person,
24 things of that nature, and then from there I
11:34:51 25 transferred to the DEA Task Force.

1 Q. And were you a Task Force Officer then with the
2 DEA?

3 A. Yes, sir, I was.

11:35:02

4 Q. What were your responsibilities and caseload like
5 when you were a Task Force Officer for the DEA?

11:35:26

6 A. My responsibilities were anything drug related
7 really, case initiation, witness interviews, report
8 writing, surveillance, undercover drug purchases, um,
9 controlled drug purchases with confidential sources
10 or informants, evidence processing. Everything for
11 drug investigation from start to finish basically.

12 Q. Did you receive any specialized training when you
13 became a Task Force Officer?

14 A. I did.

11:35:41

15 Q. What type of training did you receive.

11:36:01

16 A. Um, well, the DEA is a unique place. A lot of
17 the training I received was specific to their -- how
18 they would do things, their work flow. I was
19 certified Level B and Level A in site safety for clan
20 lab. Quite a bit of training as far as warrant
21 service and just tactics, that nature.

22 Q. Did you become part of the HEAT team at some
23 point?

24 A. I did.

11:36:17

25 Q. As an investigator, a Task Force Officer with the

1 DEA, is it fair to say that their overarching goal is
2 to disrupt and dismantle drug trafficking
3 organizations as a whole?

4 A. Yes, sir, that's exactly what I was taught. Our
11:36:31 5 primary focus was to dismantle. That was the goal.
6 At minimum though, we were -- we intended on at least
7 disrupting these organizations.

8 Q. So in the cases that you handled, did you ever
9 have the opportunity to take down and arrest one or
11:36:50 10 more leaders of the same organization?

11 A. Yes. Yes, I did.

12 Q. Was the organization completely dismantled at
13 that point?

14 A. Yes. On the regional level, um, best I could say
11:37:07 15 is yes. My cases that I personally worked were
16 dismantled, most of them, some were just disrupted.

17 Q. Okay. And when you say just disrupted, how did
18 the organization operate after that?

19 A. Um, one particular case, as hard as I tried, I
11:37:30 20 could not -- I could not obtain any probable cause to
21 arrest who I believed was ultimately responsible.

22 And so at that point, I had partnered with ICE and
23 HSI because I knew that this individual was an
24 aggravated re-entry and so I -- it was within the

11:37:53 25 context or the scope of the actual drug investigation

1 it was only disrupted but that was my way of
2 essentially dismantling it.

3 Q. Is it fair to say that cartel type drug
4 trafficking organizations may operate differently
11:38:09 5 than local online drug trafficking organizations?

6 A. With my experience, my cases, um, I didn't deal
7 with the online type drug trafficking cases. The
8 best I could say is I had one case, for instance, it
9 was an ecstasy case where an undercover officer was
11:38:38 10 introduced online, but beyond that, my cases were
11 what I would consider traditional, where it was
12 basically heroin or a meth case and it wasn't -- it
13 wasn't done online.

14 Q. Okay. I want to direct you more to the
11:38:56 15 investigation involving Mr. Shamo. What did you do
16 to prepare for your testimony today?

17 A. I walked myself through the -- through my
18 involvement. I watched a video that I took on
19 11-22-16, 2016, inside of the residence on Titian, I
11:39:20 20 believe that is how it is pronounced, Titian Way.

21 Q. It has been pronounced about three or four
22 different ways. However you want to pronounce it.

23 A. The address up in Cottonwood Heights.

24 Q. Yes. Had you been involved with the
11:39:34 25 investigation prior to the search on Titian Way?

1 A. I had no involvement prior to the search on that
2 day.

3 Q. So how did you become involved with the search
4 that day?

11:39:42 5 A. Just by virtue of my role on the HEAT team. I
6 don't know if we even had -- I don't think it was
7 even named the HEAT team when we did it, necessarily.
8 It was just kind of a loose acronym. But, again,
9 just by my certification that's what -- that's what
11:39:58 10 got me involved. I was certified to go into a
11 hazardous environment.

12 Q. And what did you expect to find when executing
13 the search warrant?

14 A. You never know. I knew the case had something to
11:40:12 15 do with some pills. Um, so typically on a search
16 warrant we're looking for evidence of whatever the
17 crime is. In this case, pills, um, and proceeds,
18 things of that nature.

19 I know with my cases, um, typically in a
11:40:31 20 heroin or a meth case, we're looking for pay-owe
21 sheets, electronic devices that might have evidence
22 preserved on them, things of that nature. So I
23 expected that kind of stuff.

24 Q. Okay. I want to show you what has been marked as
11:40:43 25 Government's Exhibit 13.01, Photo 2. Do you

1 recognize this photo?

2 A. I do.

3 Q. Are you in this photo?

4 A. It is tough to say. I -- I certainly recognize

11:41:02 5 the two on the right. I don't know who is wearing
6 the lab equipment in this particular photo. I might
7 be one of them, I might not.

8 Q. What is this photo depicting?

9 A. This -- I believe that is the -- the house in the

11:41:15 10 background is the house across the street from our --
11 or the target address. And this is just sort of the

12 -- I see on the left there is the -- I think it was
13 Unified did the decontamination. They have a trailer

14 that is basically you walk through and as you go

11:41:32 15 through they cut you out of your suit and wipe you
16 down and everything else, and wash you off. And so I
17 believe that is the decon trailer. And just some --
18 just some raid gear leaning against the table and on
19 the lawn there.

11:41:49 20 Q. Were you part of the initial HEAT team that
21 entered the home?

22 A. Yes, sir, I was.

23 Q. What was the purpose of entering the home at that
24 time?

11:41:56 25 A. The initial entry, the purpose, was to make

1 contact and remove anybody who might be inside of the
2 residence. And also secondary to that to secure the
3 residence meaning that if there is anything that
4 could potentially catch fire or blow up, that's with
11:42:20 5 any warrant that we serve, it is not to search, it is
6 nothing like that, we just want to make sure the
7 house is secure.

8 Q. In this initial entry, did you go in the
9 basement?

11:42:29 10 A. Yes, sir, I did.

11 Q. What did you observe when you were in the
12 basement?

13 A. In the basement, it is a -- it is a single-family
14 dwelling. I think it was a rambler with a basement.

11:42:40 15 And in the basement there were a couple of bedrooms,
16 a family-type room with a big sofa. And then at the
17 end of the hall, there was a door that was closed.

18 And then inside of that, that room, we found several
19 items. There was a -- there are a couple of pill

11:43:02 20 presses, there was a lot of powders and substances
21 that I didn't know what they were. The wall had a
22 plum or purple color wall that was -- that had powder
23 residue all over it. There was residue every where.

24 Every item, the chair that was in there, the pill
11:43:22 25 press, um, every item in there was caked with a

1 residue.

2 Q. I want to show you what has been marked as
3 Exhibit 13.09, Photo 10. Is this the image of what
4 you saw when you first entered this room?

11:43:40 5 A. Yes, sir.

6 Q. I can see, as you described, it appears that
7 there is stuff caked on the walls and other items
8 within the room. What were your impressions and
9 thoughts as you observed the conditions and contents
11:43:53 10 of this room?

11 A. Wow. Um, I -- I have never seen anything like it
12 or even been shown anything like it. Um, again, the
13 substances I don't know what they are. In my
14 training, if it is an unknown substance, you need to
11:44:12 15 treat it as if it is -- as if it is kind of a worse
16 case scenario because you don't know what it is. And
17 this was sort of, in my mind, the worse case scenario
18 where I opened the door and it was -- it was a couple
19 thoughts really. The first thought is when you're
11:44:30 20 serving a search warrant you know there is something
21 in the residence but you never know really what you
22 are going to find. As soon as Agent Breyer opened
23 the door, I knew that this is what we were looking
24 for. And second to that was, again, wow, um, powder
11:44:43 25 every where.

1 Q. Did you feel like your prior training had
2 adequately prepared you for the mental and emotional
3 impact of seeing this room?

4 A. The training that -- my training wasn't really,
11:45:02 5 as far as the emotional side of it, the training sort
6 of leaves that out, that's just for each individual
7 person that is I think that is their individual
8 experience. And in my case, with my training, it
9 was, if I may just touch on it real quick, I attended
11:45:23 10 two trainings for approximately two weeks in
11 Quantico, Virginia, and then a third training out in
12 the firefighters or the Los Angeles County
13 Firefighters Training Facility. And with that they
14 talked a lot about the substances and using caution,
11:45:41 15 putting the suits on and safely getting out of it.

16 And so while you're being trained on that,
17 obviously the impression is made that use extreme
18 caution. But they don't talk about how you're going
19 to feel when you see or come across anything. And so
11:45:57 20 I'm not certain how to quite answer that question,
21 but I know as far as my emotions when I opened this
22 door were, again, here it is. And wow, this is
23 certainly a high risk of exposure of whatever this
24 substance is. As you can see, it is all over, it is
11:46:17 25 caked on everything in there.

1 Q. So after this initial entry into Mr. Shamo's
2 residence, then what happened?

3 A. Then we all -- we all backed out of the residence
4 and then we waited. We had established a hot zone, a
11:46:36 5 warm zone, and a cold zone. And this was the hot
6 zone. The warm zone is where we start taking off our
7 firearms and putting things to where they can be
8 decontaminated. And then the cold zone is where it
9 is on the other side of the decontamination line and
11:46:51 10 so we were all on air and we all just basically
11 stayed on air just sitting on the porch, sitting on
12 the lawn, trying to stay cool and it was in November
13 but when you're in those suits, you're pouring sweat.
14 And then we were just sort of triaging who had the
11:47:08 15 most air. And unfortunately for me, I had the bigger
16 tank, I had the most air, and I was one of the last
17 people to be decon'd, I guess second to last.

18 Q. Did you discuss the strategy at that point as to
19 how to search the home or what the next step --

11:47:31 20 A. The next step was to do a what we -- what the
21 plan was, and I believe it was Agent Breyer and maybe
22 some of the National Guard people, but the plan was
23 to send people in in a fully encapsulated suit
24 because obviously there was certainly something there
11:47:57 25 to go in and do sort of an assessment of, of what is

1 really there. Because, again, the initial -- the
2 initial entry is just we're not searching, we just
3 want to make sure nobody is in there and nothing is
4 on the stove that is going to go bang or anything
11:48:11 5 like that.

6 And so when we came out, the plan was
7 basically okay, somebody is going to go in and we're
8 going to take some photos and take some video so that
9 we can then back out and put together a plan of how
11:48:24 10 -- how the scene is going to be processed.

11 Q. I want to show you what has been marked as 13.01
12 Photo 4. Is this you putting on a Level A hazard
13 suit?

14 A. That is.

11:48:39 15 Q. Can we go to Photo 5. What are we looking at
16 here?

17 A. That is me in, excuse me, that is me in the Level
18 A fully encapsulated suit, and National Guard
19 personnel, DEA personnel, and I believe the orange
11:48:57 20 suit rather is Agent Hansen or Anson getting ready
21 also.

22 Q. And so it looks like you're preparing to go in
23 the home to do this Level A assessment. How did you
24 feel about re-entering the home and particularly the
11:49:11 25 basement room?

1 A. How did I feel? Um, it was exciting. I was
2 excited to put on the suit and go in. I was nervous.
3 I was excited, I was nervous. I was getting ready to
4 go back in there in the suit and just do my part.

11:49:34 5 Q. What made you nervous?

6 A. What made me nervous was the conditions, were the
7 conditions in that room.

8 Q. Did you have a specific assignment as you
9 re-entered the home in the Level A suit?

11:49:46 10 A. Yes, sir. My assignment was I was given a GoPro,
11 I think it was actually a GoPro brand camera that had
12 a -- had a case around it so it could be decon'd and
13 wiped down and a little handle. And my assignment
14 was to go in and video -- video everything in the --
11:50:04 15 in the residence. Not just the room, but the entire
16 residence.

17 Q. I am going to show you what has been marked as
18 Government's Exhibit 13.00, the video from the
19 interior of this home. Did you have a chance to
11:50:17 20 review this beforehand?

21 A. Yes, sir.

22 Q. Does it accurately portray what you observed that
23 day?

24 A. Absolutely.

11:50:24 25 Q. As we play this video, um, I would like you to --

1 beforehand is there much to the audio as far as what
2 we can hear?

3 A. There is nothing to the audio. Um, these suits,
4 I know I look like I'm in a moon suit or something,
11:50:41 5 but before that I have got a CBA self-contained
6 breathing apparatus. My CBA. I believe I had a
7 radio, like a police radio walkie-talkie type radio
8 in the suit. It is fully encapsulated so you have
9 got -- you have got this breathing mask on top of you
11:51:02 10 that really muffles everything, and then you are
11 hooked to air. Because as soon as they zip up that
12 suit, you're on air. There is no air in that suit,
13 you cannot breath, it is fully encapsulated, and you
14 get real claustrophobic in it. And then again on top
11:51:17 15 of this mask, you have got the suit itself. And so
16 no, as far as communication and hearing and anything,
17 there is no -- I don't believe there is any narrating
18 because you would have to holler. And again it would
19 sound extremely muffled.

11:51:31 20 Q. So as we play this video and to make good use of
21 the jury's time, what I would like to do is just ask
22 you to narrate what we're seeing in the video as it
23 moves along.

24 A. Okay.

11:51:44 25 Q. If we can go ahead and play Exhibit 13.00.

1 A. So real quick, there are four of us, Special
2 Agent Ron Anson, two National Guard. I was paired up
3 with Special Agent Ron Anson, he's the one in the --
4 one of the guys in orange.

11:52:09 5 Q. If you will talk a little bit slower and I will
6 ask that the volume be turned down. If you will talk
7 slower so that she can catch what you're saying.

8 A. Okay. So I believe this is Special Agent Ron
9 Anson. He was partnered up with me in the orange
11:52:24 10 suit, and then there were two other individuals and
11 they were National Guard employees.

12 Now I'm walking down the hall on the main
13 floor and there is the National Guard guys. Okay
14 this is -- this is the master bedroom, or at least
11:52:41 15 was designated and my impression this was the master
16 bedroom. There is dressers on the left here. Again,
17 I'm just trying to get an overview of everything with
18 the video so that the people out in the trailer who
19 are not wearing protective equipment can see. And
11:53:01 20 there is a lot of money. I opened the drawer and the
21 top drawer there on the right and there is stacks of
22 bills two deep.

23 Q. Had you seen something like that before?

24 A. No. I have never seen that much money before.
11:53:14 25 Not even close.

1 Q. So as you're searching through these other
2 drawers, are you kind of hoping to find more?

3 A. I am not expecting to find more. I can't say
4 that I was hoping to find more. I can't say I was
11:53:28 5 hoping to find anything. I was just going in there
6 with the camera and just trying to get as much of a
7 snapshot of what was inside so that Agent Breyer and
8 the other -- the rest of the team could make a -- put
9 together an effective plan.

11:53:44 10 So again, I'm just going through and just
11 kind of sifting through items just to make sure I can
12 capture any sort of hazards or anything like that.

13 Q. Are you seizing items at this point?

14 A. No, I didn't seize any items and I didn't take
11:53:59 15 custody of any items. There is a couple of items
16 that I did move that I am happy to talk about.

17 Q. When we get to that point in the video, we'll
18 have you go ahead and explain that.

19 A. Okay. And there is another drawer full of money.

11:54:22 20 Q. What are you doing at that point?

21 A. I think that was Ron Anson out in the hall and I
22 opened it up and said look, look at this. Similar to
23 when we opened the door downstairs and there is sort
24 of a wow factor, again, that is a lot of money. I
11:54:38 25 have never seen anything close to that much. So

1 obviously we need to pay special attention to that
2 because that is -- that is likely going to be
3 involved or within the scope of the warrant.

4 Q. What is the overall purpose for this video?

11:55:00

5 A. The overall purpose is, again, it's just -- it's
6 an assessment where I can go through and try to
7 capture what is in this residence. Because the first
8 time we're looking for people and then we're looking
9 for immediate hazards. In this case, I'm just trying
10 to capture the 360-degree of the residence so that
11 they can watch it outside and put together sort of a
12 plan of attack, if you will, how they want to process
13 the scene.

11:55:20

14 Q. What are we looking at here?

11:55:33

15 A. It looks like personal use substance. I don't
16 know what the substance is. There is paraphernalia.
17 You've got the baggies, a white powder and a folded
18 or rolled up dollar bill which is typical, I have
19 seen that before, just for snorting a substance.

11:55:54

20 Q. As you conducted this search and assessment, did
21 you see any evidence of there being any other
22 occupant in the home other than Mr. Shamo?

23 A. I don't recall seeing anything like that. Um,
24 that wasn't on my mind. I was just trying to be sort
11:56:13 25 of the robot with the camera. I wasn't looking to

1 form opinions and I didn't know, again I wasn't
2 familiar with the case, I didn't know -- I didn't
3 know Mr. Shamo, didn't know him or any of his
4 associates or any of that.

11:56:31 5 Q. Is it fair to say that your role in the
6 investigation into Mr. Shamo was quite limited in
7 scope?

8 A. I think that's accurate.

9 Q. Did you have much involvement outside of the
11:57:16 10 search on this day?

11 A. I had no involvement other than -- other than
12 this day and I was -- this isn't really -- I guess it
13 is a search of sort, but, again, it is just -- it is
14 more of an assessment. Looking for where the hazards
11:57:35 15 are and looking kind of just 360. As far as the rest
16 of the investigation I had zero involvement.

17 Q. What are we looking at here?

18 A. Just another drawer with just a lot of loose
19 currency. I believe that is Special Agent Anson.
11:58:00 20 That might actually be one of the guard guys because
21 those two were paired up.

22 So this is in the closet. There are a
23 couple of safes there. When we serve search
24 warrants, in my experience we're looking for a lot of
11:58:13 25 the warrants we're looking for again drug proceeds

1 and what better place to keep them than in a safe.

2 So that obviously registered to me.

3 Q. In your prior experience had you found -- had you
4 ever found, during a search warrant, two money
11:58:32 5 counters?

6 A. Money counters, I have seen money counters. I
7 have never -- I don't believe I have seen two. I
8 can't honestly swear to that as a fact but I don't
9 recall ever seeing more than one. And even then when
11:58:47 10 you would see one it was rare.

11 Q. Having seen the two drawers with money, as well
12 as the night stand and the two cash counters with the
13 two safes, what was your impression as far as the
14 scale of the potential drug trafficking operation?

11:59:05 15 A. It was lucrative, was my impression. As far as
16 the scale, how big the actual effort was, I didn't
17 really form an opinion. The two things in my mind is
18 this room is a big deal and this is a lot of money.

19 Q. So what's happening at this point?

11:59:27 20 A. At this point, Ron Anson, forgive me, Special
21 Agent Anson picked up one of the safes and carried it
22 towards the front door. I picked up the second safe,
23 that is what I'm doing right here in a moment, and I
24 carried it towards the front door also. Reason
11:59:46 25 being, it didn't appear to be contaminated. Um, it

1 was -- I don't know if opportunistic is the right
2 word, but it was sort of an opportunistic way of
3 picking it up and moving it to a safer atmosphere to
4 where that could be addressed separately as to how to
12:00:05 5 -- how to get into the safe. I had no intent on
6 personally opening the safe or anything like that. I
7 just wanted to bring it down closer to the door.

8 Q. Were there other items other than the safes that
9 were moved towards the front door during this Level A
12:00:20 10 assessment?

11 A. Yes, sir.

12 Q. What other items were brought out?

13 A. There was a room right next to the room
14 downstairs, forgive me, the room at the end of the
12:00:32 15 hall, the contaminated room with the purple paint on
16 the walls, there is a room right next to that, I
17 believe there was a bed in it. And inside of the
18 closet of that room there were a couple or few, two
19 or three, maybe even four boxes, cardboard boxes,
12:00:55 20 that had -- one of them was open and it had a white
21 powder substance in it and so I made the assumption
22 that they all contained the same thing and so those
23 were brought up as well.

24 Q. What are we looking at here?

12:01:10 25 A. What we're looking at right here is it appears to

1 me kind of like a hand-crank type pill press. It had
2 residue on it. I don't know what the residue was.

3 Q. Is this room still on the first floor of the
4 home?

12:01:32 5 A. I believe this is. I believe this is at the end
6 of the hall on the first floor. It may seem silly
7 going through these areas that don't appear to be
8 contaminated in a Level A suit, but given the
9 toxicity of the, you know, some of these unknown
12:02:10 10 substances or substances such as fentanyl and other
11 synthetic opioids, we just operate under the
12 assumption until we know otherwise that the entire
13 house is contaminated to some degree. So that is why
14 even these less or not contaminated rooms are still
12:02:34 15 treated as such.

16 Q. Did you see Mr. Shamo as he was brought out of
17 the residence?

18 A. Yes, sir, I did.

19 Q. And what was his condition when he was brought
12:02:46 20 out?

21 A. His condition? His physical --

22 Q. What did you observe when he was brought out as
23 far as his appearance?

24 A. He was wearing plain clothes. He was called out
12:03:00 25 and we brought him out and sort of passed him down

1 the stick or the chain, and he was sat down on the --
2 I don't know if he was sat down, he was handed off to
3 one of the agents or Task Force Officers who were not
4 wearing the Level B chemical suits.

12:03:25 5 Q. At this point, as you're going through the Level
6 A assessment, what is the next step to be taken?

7 A. Go downstairs.

8 Q. Is that, to the left, is that the family room
9 that had been referenced?

12:03:59 10 A. Yes, sir. It's around the corner, to the left of
11 this view, is just a typical family -- family room.

12 Q. When you've executed search warrants in the past,
13 do initial entry type videos are they common
14 practice?

12:04:25 15 A. No, not in my experience.

16 Q. Not in your experience. To be clear, we are --
17 we have just looked at a family room. This is
18 November and there was a Christmas tree up, is that
19 right?

12:04:54 20 A. You will have to forgive me. Maybe we need to
21 rewind it.

22 Q. No, I'll just withdraw that question.

23 Did you identify any items of interest in
24 this area or in the family room?

12:05:20 25 A. I don't believe so.

1 Q. For the benefit of the record, it appears that
2 was more or less a utility room of sorts in the
3 basement.

4 A. So that, okay, so here is the room to the left.

12:06:24 5 In the closet and on the floor there is an unknown --

6 I do not know what this substance is. I'm just --

7 what I'm trying to do with the camera is, and I

8 didn't do a very good job of it, but I was hoping to

9 capture that label to where if it was freeze framed

12:06:42 10 or paused, Agent Breyer and some of the National

11 Guard folks could identify it. And I believe I spoke

12 a bit earlier, this was the box that was opened. And

13 there were several other boxes similar to this inside

14 of the closet. And these are the boxes that I

12:07:00 15 carried upstairs along with the safe because I knew

16 that they hadn't been opened, um, not to minimize the

17 danger of it, but I figured that was something that

18 would be safe enough that I could carry closer to the

19 door while I still had oxygen.

12:07:25 20 Q. So at this point, now where are we headed to?

21 A. This is, as you can see, this is the room that I

22 spoke about earlier with the presses in it.

23 Q. Is it still in the same condition, more or less,

24 as when you and Agent Breyer first entered it?

12:07:41 25 A. Absolutely. When Agent Breyer and I first

1 entered it we didn't disrupt anything. We just,
2 again, we just peeked in to make sure nobody was in
3 there and there was nothing exigent that had to be
4 mitigated before we backed out of there.

12:07:53 5 Q. What are we looking at as we go through this
6 room?

7 A. There's a pill press, you may need to pause it,
8 I'm kind of shaky, but there is a pill press. It
9 looks like there is a hopper that collects pills
12:08:08 10 right there on the sort of center right, very bottom.
11 I don't know what these pills are, I don't know what
12 the substance is in this hopper up here with the
13 white powder and then the bin with the substance.
14 There is obviously powder residue all over the place.
12:08:25 15 I am not intimately familiar with the operation of
16 how a pill press works. To this day I'm not. But at
17 this time, it's my understanding that you have got a
18 hopper and substances go in, they get stamped and it
19 spits out pills. And that appears to be what I'm
12:08:41 20 seeing here. There are substances in the top, and
21 there are pills at the end, and then there is a
22 little computer screen that I would assume is where
23 you calibrate or what not. But again, that would
24 just be my assumption.

12:09:02 25 Q. What else are we seeing in this room, if you will

1 describe it as you pan around.

2 A. Okay. Obviously there is the buckets with the
3 substances, there is a trash bag. I don't know if
4 that is the -- what is in it is just packaging

12:09:20 5 material that has been used. I am thinking, I don't
6 know for sure, but that is what I believe I see at
7 least that day. Here is the other pill press,
8 similar to the one I just described. Um, jars,
9 unknown pills right there (indicating), unknown to me
12:09:40 10 I should say.

11 Again, I'm just trying to get an assessment
12 so that we can formulate how are we going to safely
13 remove this and safely package and preserve this
14 without exposing anybody. More bags with white
12:09:59 15 unknown substance all along the top. Quite a bit of
16 it, from my experience.

17 Q. Did you have any thoughts about your Level A suit
18 and how it was functioning at this stage?

19 A. Yeah. When I went in here, I felt like a pioneer
12:10:16 20 of sorts. This was -- this was a dangerous
21 environment. Again, I don't know what this material
22 is. Um, as I sit here, I can't swear to what this
23 material is. I wasn't involved in the collection or
24 testing of it. But this was -- this was a lot of it.
12:10:36 25 It was caked all over everything. I would assume it

1 was in the carpet, it was -- it was everywhere. And
2 I was wearing a suit that, as I had been told, was
3 airtight and sealed, but it still -- it is a
4 nerve-wracking experience being in there with all of
12:10:54 5 this substance every where even despite the suit.

6 MR. BURGGRAAF: If I may have a moment, Your
7 Honor.

8 THE COURT: Yes.

9 MR. BURGGRAAF: No further questions, Your
12:11:05 10 Honor.

11 THE COURT: Do you have any questions?

12 MR. SKORDAS: Very brief, Your Honor.

13 THE COURT: Let's finish it and then we'll
14 take our break.

12:11:14 15 MR. SKORDAS: Thank you.

16 **CROSS-EXAMINATION**

17 BY MR. SKORDAS:

18 Q. Agent Breyer, you indicated that you were not
19 looking for evidence or signs of other occupants in
12:11:25 20 the house, correct?

21 A. Evidence or other signs of occupants?

22 Q. Yes. Of other people who may have been living in
23 the house at that time.

24 A. That is correct. That is not -- let me clarify.
12:11:39 25 When we initially go in, yes, we're looking for other

1 occupants. We're looking for anybody.

2 Q. People, right?

3 A. But I believe within the -- the way I interpreted
4 the initial question was, was I -- was I looking to
12:11:51 5 see if there were other people this being their
6 primary residence and, no, I was not.

7 Q. Or people who received mail there?

8 A. No, sir. I wasn't looking for that.

9 Q. Or, in fact, mail that is there that was

12:12:05 10 addressed to other individuals. You weren't looking
11 for that either, correct?

12 A. No, sir.

13 Q. No identification or anything like that?

14 A. No, sir. I was -- I wasn't looking for residency
12:12:17 15 documents or anything like that. I was looking for,
16 again, sort of an overview of how -- of what was kind
17 of where and how it was going to be processed,
18 collected, removed, and so on.

19 Q. As I understand the sequence, you make some
12:12:35 20 initial entry into your gray suits, you decide there
21 is something more going on, you step out and you put
22 the big goofy suits on, is that fair?

23 A. That's -- that's fair.

24 Q. That's when you took the video, correct?

12:12:51 25 A. When I went in the second time, yes, sir, when I

1 took the video.

2 Q. And then at some point you decided that it wasn't
3 hazardous that -- so hazardous that you needed those
4 suits and then you came back in with the regular
12:13:03 5 suits. Is that what you did?

6 A. No, sir. I -- I wasn't involved in that process.
7 I did the assessment with the camera, and then I
8 brought that out and then I was taken out of the
9 suit. And from that point forward, I was more of a
12:13:17 10 support role. I did not make any decisions myself on
11 how the evidence was going to be removed and
12 processed.

13 Q. Right. And I wasn't asking about the decisions.
14 Did you go back into the house I guess I should have
12:13:30 15 asked?

16 A. No, sir, I did not.

17 Q. That was the second time you went in?

18 A. The second time was it. After that, I helped
19 tape off those -- because the certification isn't
12:13:40 20 just to go in in a suit, it is also being able to
21 tape off and seal these suits. And so I was more of
22 a support role where I taped off and sealed the suits
23 and changed oxygen tanks and things like that.

24 Q. How long were you there all tolled?

12:13:55 25 A. I don't know how long time wise. I know that I

1 was there on the initial raid so I was one of the
2 first ones there, um, and I remained into the
3 evening.

4 Q. I just have one other question. You indicated
12:14:14 5 that -- or maybe you didn't, but you do drug
6 interdiction for Park City also?

7 A. I have done drug interdiction, yes, sir.

8 Q. And --

9 A. I don't do it any more currently.

12:14:26 10 Q. I guess I have a couple of questions. You said
11 that you were frustrated with one of the situations
12 that you had because you were trying to get to the
13 person you thought was the leader of the organization
14 and you couldn't. Do you recall saying that in your
12:14:39 15 early testimony today?

16 A. Yes, sir.

17 Q. Was that a DEA matter or a Park City matter, do
18 you recall?

19 A. I recall. It was a DEA case that I was working.

12:14:48 20 Q. Why was it difficult to find that person?

21 A. To find him or to --

22 Q. To get the probable cause, to get the evidence
23 that you needed?

24 A. Okay. It was difficult in this particular case,
12:15:01 25 um, let me back up a moment. A lot of the cases I

1 worked, and I'm not saying that's how this case was
2 worked, I don't know how this case was worked, but
3 with the cases I worked a lot of what I did was
4 through phone calls. Looking to see who is calling
12:15:21 5 who, when placing orders and thing likes that.

6 And so in this particular case, the phone
7 calls led me to an individual and then after that
8 after we picked off the individual who we basically
9 caught red-handed, we -- I started monitoring some of
12:15:42 10 the customers that had been sourced by the individual
11 I arrested and this individual began making stops at
12 the same houses. And so I had written -- I wrote a
13 search warrant for a phone. The phone was out of use
14 the next day. I wrote a warrant for a car. The car
12:16:00 15 was sold to somebody down in Spanish Fork the next
16 day. I mean it was extremely -- that particular case
17 I wrote, I want to say, 26 search warrants in that
18 case, and I had exhausted everything. And, again,
19 given his status, I figured this was a way of --
12:16:18 20 another way of stopping the case. So....

21 MR. SKORDAS: That's all I have.

22 THE COURT: Thank you. Anything else,
23 Mr. Burggraaf.

24 MR. BURGGRAAF: No questions, Your Honor.

12:16:31 25 THE COURT: Thank you, you may step down.

1 And you are excused. We will take our second break.
2 I think realistically it will probably be about
3 quarter to one when we get started again.

4 (Whereupon, the jury left the courtroom.)

12:17:10 5 THE COURT: Court is in recess. Thank you.

6 (Recess.)

7 THE COURT: Are we ready to get the jury in
8 and proceed?

9 MR. SKORDAS: Yes, Your Honor.

12:51:56 10 THE COURT: All right, we'll do that.

11 (Whereupon, the jury returned
12 to the courtroom.)

13 THE COURT: Do we have a witness here ready
14 to go.

12:52:53 15 MR. BURGGRAAF: Yes, Your Honor.

16 THE COURT: The Government may call its next
17 witness.

18 MR. BURGGRAAF: Your Honor, the Government
19 would call Jake Nattress.

12:53:36 20 THE COURT: Come forward and be sworn,
21 please.

22 THE CLERK: Just right here. Please raise
23 your right hand.

24 **JACOB NATTRESS,**

12:53:44 25 called as a witness at the request of the Plaintiff,

1 having been first duly sworn, was examined
2 and testified as follows:

3 THE WITNESS: Yes.

4 THE CLERK: If you will just come around
12:53:53 5 here (indicating). Please state your name and spell
6 it for the record.

7 THE WITNESS: Jacob Nattress, J-A-C-O-B,
8 Nattress, N-A-T-T-R-E-S-S.

9 THE COURT: You may proceed, Mr. Burggraaf.

12:54:18 10 MR. BURGGRAAF: Your Honor, we may need a
11 moment. The defense is coordinating to ensure that
12 none of their witnesses are still in the courtroom
13 that have been excluded.

14 THE COURT: I'm having trouble hearing you.

12:54:32 15 MR. BURGGRAAF: Defense is taking a moment
16 to ensure that none of their witnesses are still in
17 the courtroom.

18 THE COURT: All right.

19 MR. BURGGRAAF: Thank you, Your Honor.
12:55:20 20 Ready to proceed.

21 THE COURT: Go ahead.

22 **DIRECT EXAMINATION**

23 BY MR. BURGGRAAF:

24 Q. Thank you for being here, Agent Nattress. Where
12:55:25 25 are you currently employed?

1 A. I'm employed by the Salt Lake City Police
2 Department.

3 Q. And how long have you been employed there?

4 A. Just over 10 years.

12:55:35 5 Q. While employed with the Salt Lake City Police
6 Department, have you had any special assignments?

7 A. Yes.

8 Q. What assignments have you had?

9 A. I worked for the narcotics unit within Salt Lake
12:55:46 10 City PD, and then I have also been assigned, which is
11 where I currently am, to the DEA's Narcotic Task
12 Force.

13 Q. Are you a DEA Task Force Officer then?

14 A. I am.

12:55:56 15 Q. And how long have you had that assignment?

16 A. A little over five years.

17 Q. As a Task Force Officer, what are your job
18 responsibilities and your typical caseload?

19 A. I'm specifically assigned to the TDS squad which
12:56:09 20 is tactical diversion squad. So we're in charge of
21 the -- of stopping the illicit distribution of
22 pharmaceutical pills.

23 Q. And when you became a Task Force Officer, did you
24 receive any additional specialized training or
12:56:26 25 education?

1 A. Yeah, there were several schools I went through,
2 TFO school, Task Force Officer School, and then a TDS
3 school, the tactical diversion squad. And then I
4 have also done a clandestine laboratory school as
12:56:40 5 well.

6 THE COURT: Be sure you speak up and right
7 into the mic.

8 Q. (By Mr. Burggraaf) I assume that they
9 appropriately attempted to indoctrinate you with the
12:56:51 10 DEA philosophy through that training?

11 A. Yes. There are lots of forms and different ways
12 of doing things that we had to learn.

13 Q. And are you familiar with the overall goal of
14 drug investigations when working with the DEA, DEA
12:57:03 15 administration?

16 A. Yes. Their main goal is to disrupt and -- now
17 that I'm on the stand I can't think of the other
18 word, disrupt and dismantle drug trafficking
19 organizations.

12:57:14 20 Q. When you have been the case agent on cases as a
21 Task Force Officer, have you ever focused on one
22 person to the exclusion of other individuals in an
23 organization?

24 A. Usually you go after as much of the organization
12:57:31 25 as you can get evidence on.

1 Q. Based on your training and experience are all
2 drug trafficking organizations the same as far as
3 size and structure?

4 A. No. They vary pretty widely.

12:57:45 5 Q. Based on your experience, do cartel related drug
6 trafficking organizations, are they comparable to
7 Dark Web or web based drug trafficking organizations?

8 A. Not typically, no.

9 Q. I want to focus now in on your involvement in the
12:58:02 10 investigation of Aaron Shamo. What did you do to
11 prepare to testify today?

12 A. I read through reports that I had produced and
13 that others had produced and went through exhibits.

14 Q. Did you become -- or were you involved with the
12:58:19 15 search of Mr. Shamo's residence on Titian Way on
16 November 22nd, 2016?

17 A. Yes. I was in charge of collecting all of the
18 evidence that came out of the house.

19 Q. Walk me through your involvement that morning.
12:58:33 20 Tell me what happened and what you did?

21 A. So I stood by while the tactical team that had
22 safety -- they had taken safety precautions and had
23 worn hazardous protection suits, I can't think of the
24 right words right now, sorry, they had basically
12:58:55 25 safety gear to be able to serve the warrant in a --

1 in a hazardous environment.

2 So I waited in the area until it was
3 secured, until all of the individuals inside of the
4 home were taken out of the home and then a search was
12:59:09 5 able to be -- to be conducted at that point.

6 Q. So at that point, once they had come out in their
7 hazard suits and given you the okay, what did you do?

8 A. I set up a table on the front lawn and began to
9 accept the evidence items that came out of the home
12:59:29 10 from the search.

11 Q. From where you were positioned with that table,
12 were you there the whole day?

13 A. Yes.

14 Q. From that vantage point, could you see all of the
12:59:40 15 individuals entering and exiting the home?

16 A. Yes. I was on the -- set up on the front lawn
17 directly in front of the front door. And all of the
18 evidence that came out of the house, came out of the
19 front door.

12:59:52 20 Q. Was there any exception to that?

21 A. The only exception was the garage which is
22 separated from the house. There is no entry or exit
23 into the garage from the house and so there was a
24 garage door that was opened up and there were some
01:00:06 25 other things inside like the pill press that is

1 standing before us.

2 Q. So you're set up at this table in the front yard.
3 Tell me about the process of how evidence is brought
4 to you and what you do with it?

01:00:20 5 A. So it was -- because of the contamination concern
6 of inside of the laboratory, inside of the house, the
7 team that had the protective suits on, they would bag
8 and double bag the items that were seized from the
9 home, and then they would bring them out to me at the
01:00:37 10 table. I would document those items on a list, um,
11 sorry I thought you were -- did you say something?

12 Q. No.

13 A. Sorry, I was hearing my own echo.

14 So anyway, I would -- I would document each
01:00:51 15 item on the line sheet that I -- that I was
16 preparing, one for a receipt for the person that we
17 were seizing it from, and also for our records to
18 record the items that were taken out of the home.

19 Q. So the bags in which the evidence was brought to
01:01:08 20 you in, were they transparent?

21 A. They were.

22 Q. And how did you know where the items came from?

23 A. The individuals that would bring them to me would
24 tell me where in the house they were -- they were
01:01:20 25 found in.

1 Q. Now, the individuals that you mentioned are in
2 these hazard suits. Could you clearly hear when they
3 were explaining where they came from?

4 A. Yes.

01:01:30 5 Q. Okay. I want to walk through some of these items
6 that were seized from Mr. Shamo's home on Titian Way.
7 As we do, some of them are going to be photos and
8 I'll just ask you maybe to describe them for the jury
9 where the item was seized and any other information
01:01:48 10 you know about the item seized.

11 So we'll start with --

12 A. Okay.

13 Q. -- a few photos. Government's Exhibit 12.00.
14 Can you tell me what this item is?

01:02:03 15 A. It appears to be powder that was taken out of the
16 home.

17 Q. And are you aware of where the powder came from?

18 A. Not off of memory, but I did write it on that
19 line sheet.

01:02:18 20 Q. Would it help you to refresh your recollection to
21 look at that line sheet?

22 A. Yes.

23 Q. Did you take other -- before I bring that to you,
24 did you take other notes in the process of this
01:02:35 25 search warrant to document what was going on?

1 A. Yes. I have my report that I wrote on the actual
2 search warrant at the Titian Way address, and I
3 printed off the reports for the drug and nondrug
4 exhibits as well as a line sheet that basically shows
01:02:59 5 all of the items that we picked up from the lab to
6 bring to Court.

7 Q. Okay.

8 MR. BURGGRAAF: Just one moment, Your Honor.

9 THE COURT: Yes.

01:03:44 10 Q. (By Mr. Burggraaf) Agent Nattress, if you will
11 take a look at the line sheet that you have
12 referenced in regards to the powders that are
13 depicted in this photo and once you have had a chance
14 to refresh your recollection if you will tell me
01:04:25 15 where you documented that this powder came from?

16 A. Yeah, could you zoom in on the evidence tag so I
17 can see the number there.

18 So 168 is the number that I assigned to it.
19 Okay. So this was found in the -- in the master
01:04:48 20 bedroom nightstand.

21 Q. And if we can move to Exhibit 12.01. Can you
22 tell me what this is?

23 A. Yes. This is, again, another white powder that
24 was found from the home. And if I can refer back to
01:05:09 25 my notes --

1 Q. If that will help refresh your recollection.

2 A. Is this 169, is that what is on the tag?

3 Q. Yes.

4 A. Okay. So it was a powder found in the office
01:05:19 5 file drawer.

6 Q. And if we can move to Exhibit 12.02. Can you
7 tell me what this is?

8 A. Yes. So referring back to my notes again, the
9 document that is Exhibit 170.

01:05:48 10 Q. And where was it located?

11 A. Let's see here. Okay, here we go. So that was
12 in the kitchen.

13 Q. And if we can move to -- that would be right,
14 that is 12.02. If we can move to 12.03. And can you
01:06:15 15 tell me what -- what this was and or what this is and
16 where it was located?

17 A. Yes. So again referring to my notes, it was a
18 powder found in the Mylar bag that was in the front
19 room cabinet drawer.

01:06:28 20 Q. If we can look at 12.04. What is this item that
21 was seized and where was it located?

22 A. So there were several bags of white powder that
23 were found in the basement closet at the bottom --
24 located at the bottom of the stairs.

01:06:48 25 Q. And 12.05. Let me -- that is not appropriate.

1 Hold off on that. As you were receiving items on
2 that front table, did you receive any pills that were
3 brought out from the house?

4 A. Yes.

01:07:03 5 Q. What types of pills did you receive?

6 A. There were pills that were pressed to -- they
7 were counterfeit pills pressed to look like
8 Alprazolam pills as well as more pills that were
9 pressed to appear to be Oxycodone pills.

01:07:21 10 Q. And where did the pills that appeared to look
11 like Alprazolam pills come from?

12 A. So those were found in a basket that was just
13 below the hopper -- or just below the -- one of the
14 operating pill presses in the basement of the home.

01:07:36 15 It was set up to catch the pills as it came out of
16 the press.

17 Q. And where did the suspected Oxycodone
18 pills located?

19 A. Those were found on a shelf inside of that same
01:07:48 20 room where the pill presses were.

21 Q. If we can look at exhibit -- Government's Exhibit
22 12.08, and actually it just caught the corner of my
23 eye. If I can take you back to that prior Exhibit
24 12.04. This, as with some of these other powder
01:08:14 25 exhibits there has been different labels and what not

1 put on them, what do you understand U-47700 to mean?

2 A. Yes. On the -- on the label this is actually a
3 sticker that the lab put on it and it's cautionary
4 risk U-47700 is a substance that acts like an opioid,
01:08:37 5 it is more powerful than fentanyl. It, however, it's
6 not an opioid and so the same resuscitation can't be
7 used as with an opioid overdose so it is just a very
8 strong opioid like substance.

9 Q. And how are you familiar with that?

01:08:53 10 A. I have had training on the substance.

11 Q. Okay. Now, let's move to Government's
12 Exhibit 12.08. Can you tell me what this is that was
13 brought to you and where it was located?

14 A. It looks like 175, again, referring to my sheet,
01:09:12 15 is a white powder found in the press room bookshelf.
16 So the room where the presses were located on a
17 bookshelf.

18 Q. And again, if we look at Exhibit 12.10.

19 A. Again, referring to my notes, it was powder that
01:09:32 20 was found in a bottle on the room where the presses
21 were and it was on the floor inside of that room.

22 Q. When you were brought powders, were the full
23 volume of powders secured for evidence?

24 A. Not in all cases. Where there were bulk
01:09:51 25 quantities of these powders we would just take a core

1 sample.

2 Q. Why was the full volume of the powder not
3 secured?

4 A. We were advised, just because of the danger of
01:10:01 5 the -- of these substances in the powder form and
6 possible contamination because of that danger, just
7 to take a sample that we could control in a bottle
8 and the rest of it was disposed.

9 Q. I want to show you what has been marked as
01:10:19 10 Government's Exhibit 12.11, it is a physical exhibit.
11 Can you tell me what that item is and where it was
12 located?

13 A. Yes. So this was -- these are vials that the
14 laboratory provided. Because they took -- so we
01:10:50 15 seized the punches and the dies from the different
16 pill presses, from the two pill presses that were
17 operational in the basement. And this exhibit is,
18 let's see, this one is from one of the -- so they
19 took residue from those punches and dies and tested
01:11:10 20 that residue and that's what these vials are is they
21 contain the residue that was taken. And this exhibit
22 was found to contain fentanyl.

23 Q. You may be jumping ahead just -- just a tad, if
24 you're looking at that exhibit what drug exhibit
01:11:29 25 number is --

1 MS. BECKETT: Your Honor, I'm going to make
2 an objection really quick. I believe he has
3 testified just now that to test results of what was
4 on there and I don't think he has laid any ability
01:11:36 5 for him to testify as to test results at this point
6 so I would ask that that be stricken.

7 THE COURT: There is no foundation for that,
8 that's correct, isn't it?

9 MR. BURGGRAAF: Yeah. I would stipulate to
01:11:47 10 having it stricken.

11 THE COURT: Yeah. Disregard the last
12 statement. It is stricken from the record.

13 MS. BECKETT: Thank you.

14 THE COURT: That objection is sustained.

01:11:55 15 Q. (By Mr. Burggraaf) In regards to that exhibit,
16 what is the drug exhibit number that you assigned to
17 it?

18 A. 177.

19 Q. And in reflecting -- in reviewing your line sheet
01:12:07 20 where you documented what items were, where does it
21 say where this item was located?

22 A. It was taken from inside of one of the operating
23 pill presses in the basement.

24 Q. Is that what your line sheet says?

01:12:19 25 A. Let me see here. Oh, I'm mistaken. So this

1 is -- this is actually from the press room floor. So
2 these were -- these were -- these were punches and
3 dies that were not inside of the -- any of the pill
4 presses, these were separated and they were on the
01:12:43 5 floor inside of that room.

6 Q. And we have heard testimony about many other
7 punches and dies that were secured for evidence. Why
8 were these dies not secured in the same boxes as the
9 others?

01:13:00 10 A. Just because they were in the open, in the room
11 that was heavily contaminated.

12 Q. Okay. I want to show you drug Exhibit 178 and
13 179. And let me clarify, this is Government's
14 Exhibit 12.12 and 12.14. Do you recognize these two
01:14:03 15 exhibits?

16 A. Yes.

17 Q. What are they?

18 A. So 178 is the one in here which is also some
19 vials. This is the one I was mistaking the previous
01:14:11 20 for. These are vials that were -- that the lab took
21 samples of the residue -- of the residue that was on
22 the -- on the punch and die that were found inside
23 one of the pill press.

24 Q. And the other one is laying flat there?

01:14:26 25 A. Is the same from the other pill press.

1 Q. So what is your understanding as to why the one
2 is in a secure tote and the other one is not?

3 A. I was advised by the assistant lab director when
4 we picked these exhibits up from the laboratory that
01:14:44 5 178 here contained -- was tested and was found to
6 contain fentanyl.

7 Q. You didn't confirm that yourself?

8 MS. BECKETT: Your Honor, I am going to
9 object, again. We are going down a road that there
01:14:54 10 is no need to go down. He can't testify to test
11 results.

12 THE COURT: You can't testify as to the test
13 results or what the lab told you.

14 THE WITNESS: Okay.

01:15:01 15 Q. (By Mr. Burggraaf) Did the lab allow you to take
16 the exhibit in the tote separate from the other
17 exhibit that is in the tote?

18 A. What do you mean?

19 Q. Did they allow -- did they require that it be
01:15:13 20 placed in the tote?

21 A. Yes, they did.

22 Q. But the other exhibit they did not?

23 A. Correct.

24 Q. Okay. I now want to take a look at Government's
01:15:49 25 Exhibits 12.16 and 12.18 together. Can you tell me

1 where these exhibits came from and what they are?

2 A. Yes. So I assigned them Exhibit 180 and 181.

3 They were core samples of the powders that were found
4 inside the hoppers that fed into the pill press

01:16:19 5 machines, the same machines that the pill dies were
6 taken from.

7 Q. So as you're sitting at the table in front of
8 Mr. Shamo's home and receiving evidence, what other
9 types of evidence was brought to you?

01:16:34 10 A. Again, there were various powders, pills, there
11 was money, there was money counters, there were
12 silver bars. There were many punch and die sets.
13 There were -- there were two different safes that
14 also contained money inside of them and some other
01:17:04 15 various items.

16 Q. I want to show you what has been marked as
17 Government's Exhibit 13.05. What is that item and
18 where was it located?

19 A. It is a cell phone that was found, if I can refer
01:17:28 20 to my notes again, I assigned it Exhibit N-61. So
21 this was found inside the office.

22 Q. At the conclusion of the execution of the search
23 warrant, what did you do?

24 A. With this exhibit I kept it in my possession and
01:17:52 25 took it, as well as all of the other exhibits, back

1 to the DEA district office building and then stored
2 the items inside of a locked evidence storage room.

3 Q. Was this evidence further processed in the days
4 following?

01:18:07 5 A. Yes. It took several days to process all of the
6 evidence just because of the magnitude of the
7 different -- or the bulk size of the different
8 evidence items that we seized. And so over the next
9 few days, we processed and wrote reports and packaged
01:18:24 10 the items.

11 Q. What was done with the cash seized?

12 A. It was taken to a money counting service and they
13 counted the money and then took possession of it and
14 provided a check, I believe.

01:18:39 15 Q. Do you recall the approximate amount of the money
16 that was processed?

17 A. It was a little over 1.2 million.

18 Q. On November 22nd during the execution of the
19 search warrant, were any vehicles seized?

01:18:55 20 A. Yes.

21 Q. What vehicles were seized?

22 A. There was a Ford F-350 that was in the driveway
23 that was registered to Aaron Shamo. There was a BMW
24 car. There was, I believe, there was two separate
01:19:08 25 motorcycles also that were seized.

1 Q. In the ensuing days after the search of
2 Mr. Shamo's residence, were there any other items in
3 this case that you processed?

4 A. Yes, there were.

01:19:21 5 Q. What other items or evidence did you process?

6 A. On the day that the warrant was served on the
7 Titian Way address, there was information gained that
8 there were other packages that had been shipped out
9 that day. So Postal Inspector Megan Moore and Lance
01:19:41 10 Howell tracked down those packages that were shipped
11 out that day and were able to find them and take
12 custody of them and then they were brought to us to
13 package and to process as exhibits as well.

14 Q. And as you're processing these exhibits, what did
01:19:57 15 you do?

16 A. We separated the boxes and then the packing slips
17 that were inside of the boxes from the drug items or
18 the drug evidence items because there we store them
19 separately. So the drugs were packaged as one
01:20:13 20 exhibit and then the boxes and the packing slip and
21 the contents of the packaging were packaged
22 separately.

23 Q. And prior to separating these different types of
24 evidence, did you document what was in each package
01:20:29 25 by photo?

1 A. Yes.

2 Q. I want to walk you through those photos. If we
3 can look at Government's Exhibit 9.20, and we'll just
4 start with the first photo and I'll ask you to tell
01:20:44 5 me what it is that we're looking at here.

6 A. So this is one of the boxes that was seized from
7 the -- from the postal service. It contained these
8 bags of many pills and then also had this packing
9 slip that appeared to be a packing slip from a coffee
01:21:04 10 company for coffee beans. And the drugs were stored
11 inside of these Mylar bags that you can see
12 underneath the pills. And then, of course, the box
13 that it was shipped in and the label.

14 Q. It appears there is a number on the top of the
01:21:19 15 box, 184. What does that signify?

16 A. We just -- we packaged the boxes and then the
17 shipping label separately. But to be able to discern
18 which shipping labels were packaged in which box, we
19 wrote a number that matched on the box and the
01:21:36 20 packing slip that coincided with the drug exhibit
21 that was found inside of that box.

22 Q. So to be clear, is the 184 the drug exhibit
23 number that was assigned to the pills that were
24 contained within the package?

01:21:49 25 A. Correct.

1 Q. If we can maybe zoom into the bottom left side of
2 the bags that are down there. When you first opened
3 these packages, did you write anything on the
4 packages contained inside?

01:22:07 5 A. No.

6 Q. I want you to take note of, it looks like what
7 would be some writing on the upper right corner of
8 two of those bags of pills. Was this common to see
9 amongst the packages the contents of the packages?

01:22:23 10 A. Yes, it was.

11 Q. What did you take these numbers to signify?

12 A. We understood that these numbers were the amount
13 of pills contained in each of those bags.

14 Q. When you came to the DEA as a Task Force Officer,
01:22:36 15 was any of your training that you received used to
16 instruct you on recognizing the different types of
17 pills that might be part of your investigations?

18 A. Yes. And then also through experience of years
19 of doing investigations with these pharmaceutical
01:22:54 20 pills we began -- we -- I recognize some pills due to
21 those investigations that we have had.

22 Q. These pills here, what did you suspect them to
23 be?

24 A. They appeared to be Alprazolam due to the
01:23:08 25 markings that were on them and then the shape of the

1 pill.

2 Q. And if we can go to the next photo, tell me what
3 we're looking at here.

4 A. Again, more of the same shipping box with the
01:23:22 5 pills inside that were contained inside of the box
6 and then a packing slip alongside it.

7 Q. And that number 185, what does that signify?

8 A. It's the drug exhibit that we assigned the pills
9 that were contained inside of that box.

01:23:37 10 Q. And then the next photo? What are we looking at
11 here?

12 A. So these are counterfeit Oxycodone pills that
13 were also found inside of that shipping box.

14 Q. And the 186?

01:23:55 15 A. Is the drug exhibit number that was assigned to
16 those pills.

17 Q. It looks like there, again, is a number written
18 on the upper corner of the bag down below. What did
19 you take that to mean?

01:24:06 20 A. The number is 5,000. We understood that that bag
21 would contain approximately 5,000 pills.

22 Q. Now, based on the training that you said that you
23 had and the experience identifying pharmaceutical
24 pills, what did you suspect these pills to be?

01:24:21 25 A. Oxycodone because of the M-30 that was printed on

1 them.

2 Q. The next photo. Tell me what is here?

3 A. Again, more Alprazolam or counterfeit Alprazolam
4 pills that were inside of a box that went through the
01:24:40 5 U.S. Postal Services.

6 Q. What is the location that this package was
7 intended to be sent to?

8 A. It looks like Daly City, California.

9 Q. Okay. And the next photo, what are we looking at
01:24:59 10 here?

11 A. Again, more pills that appear to be counterfeit
12 Oxycodone, 30-milligram pills, and the box that they
13 were shipped in.

14 Q. Did you review these photos before coming to
01:25:12 15 testify today?

16 A. Yes.

17 Q. Why?

18 A. To prepare for trial.

19 Q. And when you reviewed these photos were the
01:25:22 20 numbers written on the box on the invoice consistent
21 with the drug exhibit number assigned to the
22 contents?

23 A. Yes.

24 Q. I am going to ask that we just go through the
01:25:35 25 remaining photos pausing for about five seconds, if

1 we may, and if anything distinguishing different than
2 what you have already testified to is appropriate if
3 you will describe what we're looking at?

4 A. Okay.

01:26:21 5 Q. It appears that the numbers that were written on
6 the packaging as well as the invoice went from 184 to
7 203, is that accurate?

8 A. Yes.

9 Q. You mentioned that you separated out the invoices
01:26:42 10 and the actual packages from the other contents. I
11 would like to show you what has been marked as
12 Government's Exhibit Number 9.21. Are these the
13 invoices from those photos?

14 A. Yes.

01:27:18 15 Q. I am going to show you what has been marked as
16 Government's Exhibit 9.22. Is this the exterior
17 packaging of what was depicted in those photos?

18 A. Yes.

19 Q. In regards to -- in regards to the drug exhibits
01:27:56 20 that were received when you were at the table in
21 front of Mr. Shamo's home, and the ones that you
22 processed that were contained in these packages, what
23 did you ultimately end up doing with them?

24 A. So we packaged them and prepared them to be sent
01:28:13 25 to the lab to be tested as well as to be stored.

1 Because of the danger of fentanyl, we -- and the
2 large quantity of the items that we seized, the
3 powders and the different pills and not knowing what
4 some of those substances were, we actually drove
01:28:29 5 those exhibits to the lab in California and where
6 they were -- where the custody of those were
7 transferred to the laboratory for storage and for
8 testing.

9 Q. I'm going to show you a tote containing multiple
01:28:47 10 government exhibits. For your benefit, and the
11 record, I want to list what those are. Government
12 Exhibit 9.00, DEA Drug Exhibit 184; Drug Exhibit
13 9.01, DEA Drug Exhibit 185; Government's Exhibit
14 9.04, DEA Exhibit 187; Government's Exhibit 9.06, DEA
01:29:08 15 Drug Exhibit 189; Government's Exhibit 9.09, Drug
16 Exhibit -- DEA Drug Exhibit Number 192 and
17 Government's Exhibit 9.18, DEA Drug Exhibit 202.

18 If you will take a moment and if you need to
19 stand up and do so, if you would take a look at each
01:29:49 20 of those exhibits and if would you like to hold them
21 up so the jury can get a sense of what it is that
22 you're looking at. Having looked at each of those,
23 do you recognize the exhibits?

24 A. Yes, these are some of the exhibits that were
01:30:36 25 found inside of that packaging that we just went

1 through.

2 Q. Are these the suspected Alprazolam pills that
3 were in the photos that we went through?

4 A. Yes.

01:30:48 5 Q. And were these transported to the DEA lab?

6 A. Yes.

7 Q. How did they get back here today?

8 A. I transported them back here to Court.

9 Q. And when did you do that?

01:30:57 10 A. It was last, let's see, last week we brought them
11 back on Wednesday, I believe.

12 Q. And --

13 A. So we brought those back to the DEA Office and
14 then we have been bringing them to Court from the
01:31:14 15 DEA's storage for court purposes.

16 Q. When you went to the DEA lab in California, how
17 did they know what to give you?

18 A. I believe the attorney Mike Gadd provided the
19 laboratory with a list of the exhibits that were
01:31:31 20 needed for Court. I believe he requested all of the
21 drug exhibits but only some they were allowed to give
22 back to them.

23 Q. Okay. I'm going to show you another tote
24 containing multiple government exhibits. For the
01:31:45 25 benefit of the record, I am going to list those out.

1 Government's Exhibit 9.03, DEA Drug Exhibit 186;
2 Government's Exhibit 9.05, DEA Drug Exhibit 188;
3 Government's Exhibit 9.07, DEA Drug Exhibit 190;
4 Government's Exhibit 9.08, DEA Drug Exhibit 191;
01:32:12 5 Government's Exhibit 9.10, DEA Drug Exhibit 193; DEA
6 -- or sorry, Government's Exhibit 9.12, DEA Drug
7 Exhibit 194; Government's Exhibit 9.13, DEA Drug
8 Exhibit 195; Government's Exhibit 9.14, DEA Drug
9 Exhibit 198; Government's Exhibit 9.15, DEA Drug
01:32:41 10 Exhibit 199; Government's Exhibit 9.16, DEA Drug
11 Exhibit 200; Government's Exhibit 9.17, DEA Drug
12 Exhibit 2.01 -- sorry 201. Government's
13 Exhibit 9.19, DEA Drug Exhibit 203.

14 Do you recognize that tote?

01:33:45 15 A. Yes.

16 Q. Were you present at the DEA lab when that tote
17 was filled?

18 A. Yes.

19 Q. And what is contained within that tote?

01:33:56 20 A. So if I can refer back to my notes.

21 Q. If that will help refresh your recollection
22 please do so.

23 A. So this is the line sheet that was from -- that
24 we use at the lab to document the exhibits that we
01:34:11 25 that we were taking. So this one was -- we labeled

1 this as batch number five and it has those exhibits
2 on that sheet so it would be Exhibits 184 -- well
3 let's see here. Not 184, it would be this
4 Exhibit 186, 188, 190, 191, 193, 194, 195, 198, 199,
01:34:47 5 200, 201, and 203.

6 Q. It appears that the prior tote that we went
7 through you were permitted to take those pills
8 without the tote being secured, is that correct?

9 A. That's correct.

01:35:01 10 Q. But this tote the lab did not permit you to take
11 unsecured?

12 A. Correct.

13 Q. But you were there as it was loaded; is that
14 right?

01:35:09 15 A. Yes.

16 Q. Did you verify the contents?

17 A. Yes.

18 Q. Let me remove that from you. I am going to
19 present you with another tote.

01:35:25 20 A. Okay.

21 Q. I'm actually going to present you with two totes
22 because I believe they relate to the last questions.

23 A. Okay.

24 Q. I brought to you two totes that each have a
01:36:11 25 sticky note on the top. Can you tell me what those

1 sticky notes say?

2 A. It is Batch 1 and Batch 1.5.

3 Q. Do you know what those numbers signify?

4 A. Yes. This was a group of drug exhibits that --

01:36:27 5 so it was basically a batch that we were asked to put
6 together and because they didn't all contain in one
7 tote we had to split it up into two.

8 Q. On top of one of those totes is a yellow

9 Government's exhibit sticker or paper. Are all of

01:36:44 10 the numbers that are listed on there in -- do they
11 all begin with 7?

12 A. Yes.

13 Q. Were you present when these totes were filled at
14 the DEA lab in California?

01:36:59 15 A. Yes.

16 Q. Who dictated what would go in these totes?

17 A. I would read off the exhibit number and then

18 Jason Simpson was there with me, he is another Task

19 Force Officer, and then the assistant lab director

01:37:13 20 was assisting us as well. So I would read off the

21 exhibit, they would find it and then put it in the

22 tote that it belonged. And I would watch and make

23 sure that they put the correct exhibit into the right

24 tote.

01:37:25 25 Q. We have seen other totes where the exhibits are

1 readily accessible. Would the lab allow you to take
2 the exhibits within these totes without sealing them
3 up the way they are now?

4 A. No.

01:37:45 5 Q. But you're sure of what the contents of those
6 totes are?

7 A. Yes.

8 Q. I'm getting a little bit of my workout this
9 afternoon. I have just presented you with a separate
01:38:28 10 tote. Is there a sticky note on top of that tote?

11 A. There is. It says number 2, as in batch number
12 2.

13 Q. And what does that signify to you?

14 A. That is the second set of pills that we were
01:38:41 15 asked to bring to Court.

16 Q. There is a government's exhibit sticker or paper
17 on the top. Do all of the numbers listed thereafter
18 begin with an 8?

19 A. Yes.

01:38:55 20 Q. Previously we heard testimony that specified
21 which of the 8 series exhibits were in there. Were
22 you present when this tote was filled?

23 A. Yes.

24 Q. And who dictated what would go in that tote?

01:39:10 25 A. I did as well as -- as well as the other two

1 members that I previously explained.

2 Q. Did you confirm the accuracy of the contents of
3 this tote before it was sealed?

4 A. Yes.

01:39:20 5 Q. Would the lab let you take these contents -- let
6 me clarify. Would the lab personnel allow you to
7 take these contents away from the lab without it
8 being sealed?

9 A. No.

01:39:34 10 Q. I'm going to bring you another tote, this one
11 being the 10 series. Previously we have heard
12 testimony about the exhibit numbers that are within
13 this tote but if you would look at the government
14 exhibit number or sticker on top, do all of the
01:40:10 15 exhibit numbers begin with 10?

16 A. Yes, they do.

17 Q. And is there a sticky note on top of that tote?

18 A. There is. It says batch number 3.

19 Q. And what does that signify to you?

01:40:20 20 A. A set of exhibits that were to be put together.

21 Q. And were you present when this tote was packed?

22 A. Yes.

23 Q. And who dictated what would go inside of this
24 tote?

01:40:34 25 A. It is in the same manner as the other totes. I

1 read off the exhibits that belonged in this tote and
2 verify that they were put in there.

3 Q. And would the lab take -- allow you to take the
4 contents of this tote without it being sealed?

01:40:49 5 A. No.

6 Q. I'm going to retrieve that one and I think we
7 have one more. Is there a sticky note on top of that
8 tote?

9 A. There is.

01:41:36 10 Q. And what are the exhibit numbers that are listed
11 on the government's sticker?

12 A. It says batch number 4 on the sticky note and on
13 the government's sticker it has exhibit -- Government
14 Exhibit 12.07 and 12.12.

01:41:50 15 Q. This seems to have a considerably less number of
16 items placed inside. Who dictated the contents of
17 this tote?

18 A. I was -- so again I was asked to lump these two
19 together in the same tote and I made sure that the
01:42:07 20 correct exhibits were put into this tote.

21 Q. And you were there prior to it being sealed up?

22 A. Yes.

23 Q. Would the lab allow you to take these exhibits
24 away without the tote being sealed.

01:42:18 25 A. No.

1 Q. I am going to retrieve that.

2 MR. BURGGRAAF: If I may have a moment, Your
3 Honor.

4 THE COURT: You may.

01:42:53 5 Q. (By Mr. Burggraaf) Of all of the totes that you
6 picked up at the lab that were sealed, is it fair to
7 say that you were the one who dictated what the
8 contents of each of those would be?

9 A. Yes.

01:43:06 10 Q. And you were present when they were loaded?

11 A. Yes.

12 Q. And the lab would not allow you to take any of
13 those, the contents of those sealed totes, without
14 them being sealed?

01:43:16 15 A. Correct.

16 Q. Beyond the involvement of what you have testified
17 to today, is it fair to say that you played a limited
18 role in further investigation into Mr. Shamo?

19 A. Yes. I wasn't privy to a bulk of the
01:43:37 20 investigation, I just assisted in various parts.

21 Q. So was your portion of the investigation limited
22 in scope?

23 A. Yes.

24 MR. BURGGRAAF: No further questions.

01:43:48 25 THE COURT: Thank you. Ms. Beckett, you may

1 cross-examine.

2 MS. BECKETT: I have no questions for this
3 witness, Your Honor.

01:43:54

4 THE COURT: You may step down and you're
5 excused if you want to be. You can stay or go as you
6 please. Should we start another witness?

01:44:13

7 MR. STEJSKAL: Your Honor, the next witness
8 will be lengthy, and by that I mean over an hour.
9 The witness is in custody and the marshals will have
10 to bring him. Whatever the Court wants to do for
11 scheduling, we're ready to go with him if the Court
12 wants to go forward. If the Court doesn't want to
13 break up his testimony we can start in the morning.
14 That's completely up to you.

01:44:23

15 THE COURT: Let's start with him at 8:30 in
16 the morning.

17 MR. STEJSKAL: That's fine.

01:44:33

18 THE COURT: All right. Ladies and gentlemen
19 of the jury, thank you again. Be safe. Don't talk
20 to anybody about the case and we'll see you at
21 8:30 in the morning.

22 THE CLERK: All rise, please.

23 (Whereupon, the jury left the courtroom.)

01:45:09

24 THE COURT: We'll be in recess on this
25 matter until 8:30 tomorrow morning.

1 MR. SKORDAS: Thank you, Your Honor.

2 MR. GADD: Thank you, Your Honor.

3 (Whereupon, trial adjourned for the

4 day at 1:45 p.m.)

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REPORTER'S CERTIFICATE

I, Laura W. Robinson, Certified Shorthand Reporter, Registered Professional Reporter and Notary Public within and for the County of Salt Lake, State of Utah, do hereby certify:

That the foregoing proceedings were taken before me at the time and place set forth herein and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

That the foregoing pages contain a true and correct transcription of my said shorthand notes so taken.

In witness whereof I have subscribed my name this 10th day of December, 2020.

Laura W. Robinson
RPR, FCRR, CSR, CP